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Wednesday,
16th December, 1953

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

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NEW DELHI

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HOUSE OF THE PEOPLE

Wednesday, 16th December, 1953

The House met at Half Past One of the Clock

[MR. DEPUTY-SPEAKER *in the Chair*]

MEMBER SWORN

Shri Manikyalal Varma (Tonk).

ORAL ANSWERS TO QUESTIONS

वायरलैस ट्रान्समीटर

*९९४. **डा० रामसुभाग सिंह** : क्या संचरण मंत्री यह बताने की कृपा करेंग :

(क) क्या यह सच है कि १९५३ में कुछ वायरलैस ट्रान्समीटर बरामद किये गये हैं ;

(ख) यदि हां, तो कितने और कहां से;

(ग) जिन लोगों के पास से यह यन्त्र बरामद किये गये हैं उन को गिरफ्तार किया गया है या नहीं; तथा

(घ) यदि हां, तो अब तक कितनी गिरफ्तारियां हुई हैं ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). So far information regarding seizure of twelve illegal transmitters has been received *viz.* (1) one at Dhuri (PEPSU) (2) one at Patiala (3) one at Bikaner (4) one at Kaman (Bharatpur) and (5) eight at Delhi City. Full information is not readily available. A further statement showing the actual position will be laid on the Table of the House in due course.

(c) and (d). Four persons at Dhuri and Patiala and six at Delhi have been arrested. Regarding Bikaner and Kaman, investigation is in progress.

Dr. Ram Subhag Singh: May I know, Sir, the place or places where these arrested persons used to transmit messages from wireless transmitters recovered from their possession?

Shri Raj Bahadur: I am not in a position to give the names of various localities and the various places from which messages used to be transmitted. But the towns from which they were arrested were Dhuri, Patiala and Delhi.

Dr. Ram Subhag Singh: Is it a fact that the arrested persons belong to a Pakistani spy ring operating in this country?

Shri Raj Bahadur: Investigations are in progress and I cannot prejudge or anticipate the result of the investigations.

श्री एम० एल० द्विवेदी : क्या मंत्री महोदय बतलाने की कृपा करेंगे कि जिन वायरलैस सैटों की चोरी पकड़ी गई है वह किस देश के बने हुए हैं ?

श्री राज बहादुर : यह सब बातें अभी तफतीश के अन्दर हैं । तफतीश पूरी होने के बाद सब कुछ मालूम हो जायेगा ।

Shri B. S. Murthy: May I know, Sir, to what nationality these arrested persons belong?

Shri Raj Bahadur: Presumably Indians. But their nationality may also have to be investigated: they appear to be Indians.

Sardar Hukam Singh: Has it been found out whether all these transmitters came from one source, or from different sources?

Shri Raj Bahadur: In view of the fact that they have been seized at different places, it cannot be said that they have come from one source. But even that I cannot anticipate. That is also a matter for investigation.

BRIDGE AT MOKAMEH GHAT

*995. **Dr. Ram Subhag Singh:** Will the Minister of **Railways** be pleased to state:

(a) the estimated expenditure on the proposed bridge at Mokameh Ghat; and

(b) when the bridge is likely to be completed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Rs. 16 crores, approximately, for the entire Project.

(b) It is expected that the bridge and the ancillary and consequential works associated with it would be completed by about March, 1960.

Dr. Ram Subhag Singh: May I know, Sir, whether Government propose to undertake the construction of the bridge at Mokameh Ghat this year or next year?

Shri Alagesan: The chief executive has already been posted and he has taken charge. The Financial Adviser and the Chief Accounts Officer has also been appointed and he too is in position. The actual work is expected to commence by November next.

Dr. Ram Subhag Singh: May I know whether the machinery needed for construction of the bridge has been set up?

Shri Alagesan: Detailed plans, etc., are under preparation.

Shri S. N. Das: May I know whether tenders for the construction of the bridge have been invited from foreigners also?

Shri Alagesan: This is rather a complicated piece of work and foreign firms also will be given a chance to compete with Indian firms.

Pandit S. C. Mishra: May I know whether lower grade staff and personnel are being recruited on the spot or brought from elsewhere?

Shri Alagesan: If the hon. Member has in mind Class IV staff they are recruited locally. Some perhaps might have been brought from other railways. They are not recruited elsewhere, but those who have been already employed on other railways might have been brought.

LADY HARDINGE MEDICAL COLLEGE

*996. **Shri V. P. Nayar:** Will the Minister of **Health** be pleased to state:

(a) whether the Government of India have received any complaints against the Chief of the X-Ray Section of the Lady Hardinge Medical College, New Delhi; and

(b) whether Government have made any enquiries about this officer?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) and (b). Yes; there were some complaints of an administrative nature against the Professor of Radiology, Lady Hardinge Medical College, and enquiries in the matter were made by the Governing Body of the institution.

Shri V. P. Nayar: May I know, Sir, whether it is a fact that the Government of India had given a sum of Rs. 1 lakh for the purchase of a new X-ray plant, and the plant which was purchased in 1949 could be set right

only in 1953 when Dr. Gadekar of the Irwin Hospital set it right.

The Minister of Health (Rajkumari Amrit Kaur): The plant was installed in the Hardinge Hospital. It is quite true that it went out of order several times. But it has been put right and it has since been functioning quite well. It is absolutely all right.

Shri V. P. Nayar: I wanted to know whether the plant which was purchased in 1949 could be set right only after Dr. Gadekar of the Irwin Hospital put it right?

Mr. Deputy-Speaker: It has been set right and it is working very well—that is what the hon. Minister said.

Rajkumari Amrit Kaur: Even in between it was set right but since it was last set right it has been working well.

Shri V. P. Nayar: Are Government aware that both in Bombay and Jodhpur where this officer was formerly employed there were complaints and at Jodhpur the officer was dismissed and sent out under police escort?

Rajkumari Amrit Kaur: I do not know about the Jodhpur incident; but I had heard that her work had not been satisfactory in Jodhpur.

Shri Muniswamy: May I know, Sir, whether it is a fact that an officer who was serving as a Member of the Managing Committee of this College was removed on corruption charges?

Mr. Deputy-Speaker: It does not arise out of this question.

Shri V. P. Nayar: May I know, Sir, whether it is a fact that under this particular officer, an X-ray assistant and two doctors, Dr. Nair and Dr. Tarkundi Das, were obliged to resign, and in the case of the X-ray technical assistant he was dismissed without showing any reason?

Rajkumari Amrit Kaur: It is not true to say that anybody's services were terminated without reason. As a matter of fact, the women who came to this hospital did not like male assistants in the Radiological Department, and as soon as we could get the necessary women, the services of the male assistants were dispensed with.

Shrimati Kamalendu Mati Shah: Is it a fact, Sir, that in this hospital the staff demand money when they have to look after any patient?

Mr. Deputy-Speaker: It does not arise out of this question.

Kumari Annie Mascarene: May I know, Sir, whether Dr. Nair, who was forced to resign without any reason is now utilised by the Travancore-Cochin Government?

Mr. Deputy-Speaker: Was she employed in the X-ray Section?

Kumari Annie Mascarene: This is a corollary to Mr. Nayar's question.

(No answer was given.)

Shri Damodara Menon: The hon. Minister said that enquiries were made by the Governing Body. May I know the result of the enquiry?

Rajkumari Amrit Kaur: Yes, Sir. Two ex-judges of the Supreme Court were asked to hold an enquiry and we abided by their decision. They said that in view of the fact that the officer against whom the charges had been levelled had complained that all these charges, or a great many of them, were due to the strained relations that had come about between her and the Principal and as a new Principal was coming in, the enquiry might be withheld until the new Principal had come and reported.

Shri V. P. Nayar: May I know whether it is not a fact that in the case which was fought in the Delhi courts, where the Technical Assistant was dismissed from service, the court held that because the Lady Hardinge Medical College was not a government institution the court is not inclined to interfere?

Rajkumari Amrit Kaur: I do not know what the court said. All I know

is that no censure against the Lady Hardinge Medical College for the dismissal of anybody was made.

RAILWAY PORTERS LICENCE FEES

*997. **Shri D. C. Sharma:** Will the Minister of **Railways** be pleased to state:

(a) the income from the issue of licences to the porters on the Northern Railway during the current year; and

(b) the various objects on which this amount is being spent?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The licence fee realised from the licensed porters by the Northern Railway during the current year upto October was Rs. 64,703/-.

(b) This amount is being spent in meeting the cost of the supervisory organisation and uniforms supplied to the porters.

Shri D. C. Sharma: May I know how many persons have paid the licensing fees?

Shri Alagesan: It has been introduced in five stations on the Northern Railway, and the number of licensed porters in all the stations comes to 1,635.

Shri D. C. Sharma: May I know if warm uniforms are given to these porters?

Shri Alagesan: Yes, Sir.

Pandit D. N. Tiwary: May I know whether these porters are appointed by the contractors or by the railway authorities?

Shri Alagesan: They are not railway employees as such. They are licensed by the Railway.

Mr. Deputy-Speaker: There is no question of appointment.

Shri Boovaraghasamy: May I know the conditions under which these licences are issued?

Mr. Deputy-Speaker: This question relates to the income from the issue of licences. Conditions may come later. Next question.

GUR

*998. **Shri K. P. Sinha:** (a) Will the Minister of **Food and Agriculture** be pleased to state the quantity of *gur* produced in India during 1950-51, 1951-52 and 1952-53 and its respective prices?

(b) Is it a fact that the price of *gur* this year is higher than in 1951 and 1952?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) The estimated production of *gur* in India during the years 1950-51, 1951-52, and 1952-53 was as follows:—

(Figures in lakh tons)

1950—51	1951—52	1952—53
32·54	32·40	28·77

A statement showing the monthly average prices of *gur* during the above-mentioned seasons in the markets of Hapur and Muzaffarnagar, is laid on the Table of the House. [*See* Appendix IV, annexure No. 68.]

(b) Yes. But the prices of *gur* have considerably declined during the last one month.

Shri K. P. Sinha: May I know the estimated production this year?

Shri M. V. Krishnappa: The final figures for this year's production we cannot have just now.

Shri K. P. Sinha: Is it a fact that *gur* is not getting markets due to transport difficulty and hence the prices are going down?

Shri M. V. Krishnappa: That is one of the reasons why prices go down generally.

Shri Thanu Pillai: Have the prices come down because of the ban on exports?

Shri M. V. Krishnappa: Sometimes that also contributes to bring down

prices. But there is no ban on the export of *gur* at present.

Shri Muniswamy: In which State do we get the maximum production of palm *gur*?

Shri M. V. Krishnappa: *Gur* is produced mostly in U.P. Fifty per cent. of the production is in U. P.

Shri Muniswamy: Palm *gur*.

Shri M. V. Krishnappa: How does it arise?

Dr. Ram Subhag Singh: Last year when the price of sugarcane was reduced by 25 per cent. it was said that the sugar factories do not need more sugarcane. Although this factor was operating, may I know why the production of *gur* went down last year?

Shri M. V. Krishnappa: The production of *gur* went down last year because in the western districts of U. P., where the major portion of *gur* is produced, the cane crop was very poor last year—particularly in Meerut Division.

Dr. Ram Subhag Singh: I want to know why the production declined. The hon. Minister has said that the production of *gur* went down from 32·40 lakh tons in 1951-52 to 28·77 lakh tons last year. What was the reason?

The Minister of Food and Agriculture (Shri Kidwai): Because, as has been explained, last year the crop in Meerut Division was very poor. Therefore the production of *gur* and sugar, both went down.

RABIES RESEARCH CENTRE

*999. **Sardar Hukam Singh:** Will the Minister of **Health** be pleased to state:

(a) whether the Indian Council of Medical Research and the Pasteur Institute of India emphasized the urgent need for opening a Rabies Research Centre at Kasauli; and

(b) whether that Centre has since been opened?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes.

(b) Yes.

Sardar Hukam Singh: May I know whether this is the first Centre opened for this particular kind of research or whether there is any other Centre previously existing?

Shrimati Chandrasekhar: There is one in Coonoor. There may be others under other Departments.

Sardar Hukam Singh: May I know the total cost that has been incurred for building this Centre, and whether the Pasteur Institute has contributed any amount of that cost?

Shrimati Chandrasekhar: Yes. Sanction for an expenditure not exceeding Rs. 2,23,200 was given, and out of that amount Rs. 2 lakhs will be recovered from the Association of the Pasteur Institute of India.

Shri V. P. Nayar: Could we know the number of persons who have to die on account of rabies in India; and could I also know what specific points will be the subject matter of research in this Institute which is proposed at Kasauli?

Shrimati Chandrasekhar: The answer to the first part is that I have no information. As regards the second part, research on the improvement of the technique of manufacture of rabies vaccine, study of certain untoward reactions following the use of such vaccines and allied problems—these form the major activity of the Centre.

Sardar Hukam Singh: Has any foreign expert aid been received or solicited for this Centre?

Shrimati Chandrasekhar: No, Sir.

Shri B. S. Murthy: May I know whether the same research is carried on both at Kasauli and at Coonoor?

Shrimati Chandrasekhar: Yes, Sir.

NIGHT LANDING EQUIPMENTS AT AIR-FIELDS

*1000. **Sardar Hukam Singh:** (a) Will the Minister of **Communications** be pleased to state whether air-fields in Delhi are equipped with the latest Night Landing Equipments?

(b) When was the last order for such equipment placed by the Government of India and when was that received?

(c) What was the cost of this equipment?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The bulk of the existing night landing equipment in the two Delhi aerodromes is not of the latest type, having been obtained from war surplus stores. The aerodrome location beacon at Safdarjang Aerodrome is, however, of the latest type.

(b) An order for up-to-date ground lighting equipment for Safdarjang was placed on the Director General, Supplies and Disposals in August, 1952. A similar order for the latest type of ground lighting equipment for Palam is expected to be placed very shortly. Deliveries against both these orders are expected to be completed by the end of 1954.

(c) Rs. 3·3 lakhs approximately for Safdarjang. Rs. 11 lakhs for Palam.

Sardar Hukam Singh: May I know whether any survey has been made to find out the total cost that we shall have to incur for equipping these air-fields with the latest equipment?

Shri Raj Bahadur: A survey as such has not been made, but the cost of the equipment is known. The regulations for the lighting of the runway are laid down by the ICAO. Such airports as are used at night, we have to equip according to that standard. But it will take time to obtain the necessary equipment and instal them.

Shri A. M. Thomas: Is there any scheme before the Government to provide the latest equipment in all the air-fields?

Shri Raj Bahadur: Sir, we are aspiring to do that.

Shri Radhelal Vyas: May I know how the conditions regarding night-landing at the Nagpur air-field compare with the equipment at the air-fields in Delhi?

Shri Raj Bahadur: As I have stated, the Safdarjang aerodrome beacon is of the latest type. We have a beacon at Nagpur also. This is the only airport in India which is equipped with the simple form of approach lighting also.

COAL MINES COMMITTEE OF I.L.O.

*1001. **Sardar Hukam Singh:** (a) Will the Minister of **Labour** be pleased to state whether India participated in the Fifth Session of the Coal Mines Committee of the International Labour Organisation held in November/December, 1953, in the Federal Republic of Germany?

(b) Who were the delegates selected as representatives of the Government of India?

(c) Did any advisers accompany the delegates?

The Minister of Labour (Shri V. V. Giri): (a) Yes.

(b) Shree L. N. Ray, Second Secretary, Embassy of India, Bonn.

(c) No.

Sardar Hukam Singh: May I know whether any representatives of employers and workers were also included?

Shri V. V. Giri: Yes.

Sardar Hukam Singh: Who were they?

Shri V. V. Giri: Shri L. N. Ray, Embassy of India, Government delegate; Shri C. P. Mookerjee and Shri B. P. Agarwal, employers' delegates; Shri B. P. Sinha, Shri Jha, workers' delegates.

Sardar Hukam Singh: Were these nominations made after consultation

with any representative organisations of the employers and workers?

Shri V. V. Giri: Yes, Sir.

Sardar Hukam Singh: Which were the organisations that were consulted?

Shri V. V. Giri: The two all-India organisations of employers, namely the Employers Federation of India and the All India Organisation of Industrial Employers were requested to submit an agreed panel of names and they nominated accordingly. So also, as regards the workers' representatives the Indian National Trade Union Congress was invited to make up nominations as it was found that it was more representative of coal workers than any other organisation.

Sardar Hukam Singh: Did the Government bear all the expenses or was any contribution made by any organisation?

Shri V. V. Giri: The Government bore the expenses of the Government delegate. So far as the employers' and workers' delegates were concerned, it is the ILO that bore the expenses.

Shri T. B. Vittal Rao: May I know the total membership of miners in the Indian National Trade Union Congress?

Shri V. V. Giri: Notice.

NEW STATION NEAR MOTIHARI COURT

***1004. Shri Bibhuti Mishra:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that representations for the opening of a new station near Motihari court have been received; and

(b) if so, within what period the Motihari court station is going to be opened?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A proposal to this effect has been received from the Senior Deputy Collector, Motihari.

(b) The matter is under investigation.

श्री विभूति मिश्र : सरकार यहां पर कितने समय के अन्दर स्टेशन बनायेगी ?

Mr. Deputy-Speaker: The matter is under investigation.

रेल तथा यातायात मंत्री (श्री एल० बी० शास्त्री) : अभी तो इस की जांच हो रही है, अभी बनने का सवाल नहीं होता ।

श्री रघुनाथ सिंह : जांच में कितना समय लगेगा ?

श्री एल० बी० शास्त्री : असल में जांच तो होनी भी नहीं चाहिये, मगर माननीय मेम्बर के खास कहने की वजह से जांच हो रही है यह स्टेशन मोतीहारी स्टशन से दो मील के फासले पर है ।

ठाकुर युगल किशोर सिंह : जांच किस सिलसिले में हो रही है ?

Mr. Deputy-Speaker: Next question.

POST OFFICE BUILDINGS IN HYDERABAD

***1005. Shri T. B. Vittal Rao:** (a) Will the Minister of **Communications** be pleased to state whether it is a fact that a survey was made of all existing Post Office buildings in Hyderabad State with a view to having the existing buildings extended or new buildings put up?

(b) What steps have been taken in this regard with a view to relieving congestion in the Post Offices?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No.

(b) Proposals for extension of buildings or for putting up new buildings have been taken up.

Shri T. B. Vittal Rao: May I know whether the Government are aware that these offices are very congested?

Shri Raj Bahadur: That is why we have taken up the proposals for extension of the present buildings and for putting up new buildings.

Shri T. B. Vittal Rao: May I know if it is in the contemplation of the Government, as an interim measure, to purchase or hire some of the palaces of the Rajpramukh which are lying vacant?

Mr. Deputy-Speaker: That is a suggestion for action. Next question.

R. M. S. VANS

*1006. **Shri T. B. Vittal Rao:** (a) Will the Minister of **Communications** be pleased to state whether it is a fact that the sorters are put to a considerable difficulty due to inadequate lighting in the R.M.S. vans that run on the *ex*-Nizam State Railway Sector of the Central Railway and that there are no sorting boards in some vans?

(b) If so, what steps have been taken to relieve the staff from this hardship?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No difficulty is experienced generally at present on account of inadequate lighting or want of sorting cases in regular mail vans. These difficulties are experienced only by a few R.M.S. Sections which work in III class compartments on account of paucity of mail vans.

(b) Steps are being taken to have sufficient number of mail vans constructed as quickly as possible to overcome the difficulty of which the Government is fully aware.

Shri Muniswamy: In view of the fact that the question of providing facilities in the R.M.S. vans for the sorters to take rest is being considered, may I know whether the question of providing such facilities is under consideration both for metre gauge and broad gauge sections?

Shri Raj Bahadur: Our task is divided into two parts: relieving the paucity of the number of mail vans and secondly, improving the design. Our attention is focussed on both.

IMPORTED WHEAT

*1007. **Shri Gidwani:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether the attention of Government has been drawn to the editorial column of the *Bombay Sentinal*, dated the 16th October, 1953, regarding the supply of bad quality of imported wheat to the ration shops in Bombay, Poona, Surat and other places in that State?

(b) Is it a fact that the Civil Supplies Minister, Bombay State, stated at a press conference that the quality of wheat was bad and its keeping capacity was poor?

(c) Had the same quality of wheat been supplied to other States?

(d) How was the bad quality wheat imported?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes.

(b) Yes, Sir. He also assured the public that suitable measures would be taken to see that it was thoroughly cleaned before issue.

(c) Yes.

(d) Wheat of fair average quality and of standard specifications is imported from foreign countries after it is duly inspected in those countries and all possible efforts are being made to preserve the wheat on its arrival in India. Owing to rapidly improved food position in the country, the demand for wheat has declined, resulting in slower offtake of stocks of wheat from the Central Government's Depots. The stocks that arrived earlier, naturally, show some deterioration of quality through age and it is these stocks that have been referred to, as bad; though no wheat that is not wholesome and fit for human consumption, is issued from the depots.

Shri Gidwani; How many tons of this wheat are still lying in the various godowns in the country?

Shri M. V. Krishnappa: We have got about 6 lakh tons in all the Central Government depots.

Shri Gidwani: What is the total quantity of wheat of the quality which deteriorates after 8 days as stated by Shri Chevan, the Civil Supplies Minister of Bombay?

Shri M. V. Krishnappa: All the wheat is of good quality. It has not deteriorated. We have grouped the stock into four categories, A, B, C and D. Category A will have a keeping quality of 4 months. Category B will have a keeping quality of 2 months. After 2 months, if given a cleaning, we can keep that for one month more. None of them is unfit for human consumption.

Dr. Suresh Chandra: The hon. Minister said that the quality of the wheat is being checked in those countries. What machinery have we got there to inspect the quality?

The Minister of Food and Agriculture (Shri Kidwai): There are some international firms which certify the quality.

Dr. Suresh Chandra: What is our machinery in these countries to check the quality of the wheat?

Shri Kidwai: These firms are employed by the importing countries.

Shri Dabhi: May I know whether the imported wheat is of inferior quality than the indigenous varieties and the prices are higher than those of indigenous varieties?

Shri M. V. Krishnappa: Yes. Always our people prefer the indigenous varieties and they say that the imported varieties are inferior.

Shri T. K. Chaudhuri: May I know if, with the present rate of off-take, there is any hope of the whole stock of wheat being taken up before the entire quantity becomes unfit for human consumption?

Shri Kidwai: Care will be taken to see that the whole quantity does not become unfit for human consumption.

श्री पी० एन० राजभोज : मैं यह पूछना चाहता हूं कि यह जो राशन में खराब अनाज मिलता है, उसको हफ्ते भर खाने से कितनी डीसेंट्री और दूसरी दूसरी बीमारियां होती हैं और क्या आप कह सकते हैं कि ऐसा खराब गेहूं खाने से आदमी बीमार नहीं पड़ेगा ?

Mr. Deputy-Speaker: They want to see that nothing goes to waste.

Pandit S. C. Mishra: What will be the age of the oldest wheat in the Government godowns?

Shri Kidwai: In 1951 we imported 47 lakh tons of wheat. Since then, our carry-over has been increasing. This year we imported a lesser quantity than was contemplated. The carry-over this year will be less than what it was before.

Pandit S. C. Mishra: I wanted to know whether the oldest stock is of 1951 or whether even earlier stocks exist.

Shri Kidwai: We have been importing wheat for so many years. It is difficult to say.....

Mr. Deputy-Speaker: What he wants to know is.....

Shri Kidwai: I know what he wants to know. I can't tell him what he wants to know.

Shri T. N. Singh: In answer to part (b) of the Question it has been stated that the wheat imported was of standard quality, and that Government are taking steps to clean the bad wheat. May I know what amount of further deterioration or adulteration was there as a result of keeping or in the wheat originally imported?

Shri Kidwai: I think the hon. Member has misunderstood the question.

Shri T. N. Singh: Answer.

Shri Kidwai: Question. There are standards, first class, second class, third class and 4th class.

The imports were according to these standards.

Shri Muniswamy: May I know whether any research is being carried on in order to produce new varieties of wheat in our country?

Shri M. V. Krishnappa: We have succeeded in evolving new varieties of wheat.

Shri Radhelal Vyas: May I know whether the deterioration of wheat was also due to the pouring of rain water in the newly constructed godowns, constructed at a cost of lakhs of rupees, in Bombay?

Shri Kidwai: Whether it is lakhs or thousands, I cannot say. In reply to a question, it has been stated already that in Bombay there was some such loss.

Shri N. M. Lingam: May I know the maximum period up to which wheat can be kept without deterioration and the quantity of wheat now with Government that has been kept for a period longer than this maximum period?

Shri Kidwai: It is difficult to lay down a hard and fast rule about it. In some cases it can be kept for four years; in some cases—it depends upon the climate—it cannot be kept for more than two years.

Shri Syed Ahmed: One question, Sir.

Mr. Deputy-Speaker: I have allowed enough. Next question.

PORT AND SHIPPING STATISTICS COMMITTEE

***1008. Shri Buchhikotaiah:** (a) Will the Minister of **Transport** be pleased to state when the Port and Shipping Statistics Committee was appointed by Government?

(b) How many meetings of the Committee have been held so far?

(c) what stations have been visited by the Committee so far?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) On 7th May, 1953.

(b) One.

(c) The Chairman and Secretary of the Committee have visited Calcutta, Visakhapatnam, Madras, Cochin, Rajkot, Kandla and Bhuj.

Shri Buchhikotaiah: May I know whether any report was submitted by the Committee?

Shri Alagesan: They are still at their work. They will be submitting their report in a few months' time.

Shri Radha Raman: May I know, Sir.....

Mr. Deputy-Speaker: The report has still to be presented.

ELECTRIFICATION OF INDUSTRIAL BELT AREA

***1009. Shri Buchhikotaiah:** Will the Minister of **Railways** be pleased to state the progress of work done so far by the team of officers who were appointed by the Railway Board to make a detailed survey on the electrification of the industrial belt areas of Bihar and Bengal?

The Deputy Minister of Railways and Transport (Shri Alagesan): The Survey Team has completed preliminary survey of the sections included in the scope of their investigations and are now engaged in preparing detailed estimates phase by phase.

Shri Buchhikotaiah: Who are the members of the survey party?

Shri Alagesan: A committee of senior officers has been appointed. I do not have their names here. I can supply them to the hon. Member if he wants.

Shri T. K. Chaudhuri: May I know if this team of officers to carry on the survey work was appointed after the investigation and report of the S. N. Roy Committee?

Shri Alagesan: Yes.

Shri S. C. Samanta: May I know whether the team of officers also surveyed those stations which have individual electric installations on the Eastern Railway?

Shri Alagesan: There are various sections which are fairly comprehensive on which they had to do this investigation work. I do not exactly know the stations that the hon. Member has in mind. If he can give the names, I can tell him. I have here the names of the sections only.

LAND HOLDINGS

*1011. **Shri Heda:** (a) Will the Minister of **Food and Agriculture** be pleased to state in how many States Land Census Scheme has been introduced?

(b) How many States have asked for the advice from the Food and Agriculture Ministry about the fixation of ceilings on land holdings?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) So far, in no State.

(b) The question came up for discussion in connection with the land reform Bills of four States *viz.*, Hyderabad, Delhi, Himachal Pradesh and PEPSU.

Shri Heda: May I know whether Government have got any proposal to take such census?

Shri M. V. Krishnappa: Yes, it has also been replied in this House that a circular has been drawn up and within a week we are writing to all the Governments to conduct a survey about the middle of next year.

Shri Heda: When do Government expect replies from the various States?

Shri M. V. Krishnappa: Within six months we expect a reply.

Shri M. D. Ramasami: Is the census a preliminary to a comprehensive land reform?

Shri M. V. Krishnappa: It is preliminary to all the land reform that is going on in the country.

Shri Nanadas: May I know, Sir, whether any State has taken census of waste lands that are likely to be cultivated?

The Minister of Food and Agriculture (Shri Kidwai): It is part of the enquiry that is to be made.

Dr. Rama Rao: Is it a fact that the Delhi State suggested 30 acres as maximum ceiling and the Government of India rejected that?

Shri M. V. Krishnappa: We have not yet rejected in the correct sense of the term, but they had given three alternatives. They said that if the number of the co-sharers is from six to ten, the ceiling should be 30 standard acres; if it is more than that, it should be 40 standard acres; and if it is more than that number, it should be about 50 standard acres. They had given alternative suggestions, and the whole position is under the consideration of the Government.

Shri B. S. Murthy: May I know, Sir, whether, before issuing these instructions, the Government have consulted Kumarappa's report?

Shri M. V. Krishnappa: I think all these reports were before the Planning Commission when they came to this conclusion.

Dr. Suresh Chandra: The hon. Minister has stated that there has been no survey or census of land or waste land. May I know how the Central Tractor Organisation and other organisations in the country are functioning and what they are doing if there is no land survey at all?

Shri M. V. Krishnappa: That has nothing to do with this, Sir. Here what we mean by land survey is the number of holdings, different sizes of holdings in the country. Perhaps for the Central Tractor Organisation, for reclamation purposes, no survey is necessary. Only waste land is required for reclamation.

Dr. Suresh Chandra: A question was put about waste land also, and the hon. Minister has given the same reply.

Mr. Deputy-Speaker: Next question.

PUBLIC CALL OFFICE AT ADILABAD AND KOTHAGODAM

*1012. **Shri Heda:** Will the Minister of **Communications** be pleased to state what is the position regarding the opening of a public call office at Adilabad and Kothagodam?

The Deputy Minister of Communications (Shri Raj Bahadur): The scheme for Kothagodam has been sanctioned and stores are being received. The scheme for Adilabad is under examination.

Shri Heda: May I know when Government hope to start the Exchange at Kothagodam?

Shri Raj Bahadur: We hope to complete the work by the end of the financial year.

Shri Heda: Is there any proposal to change the public call office into a regular exchange at Adilabad?

Shri Raj Bahadur: That is being examined—the financial implications thereof.

Shri Heda: Have Government taken into consideration the fact that Adilabad is not well connected so far as communications are concerned with Hyderabad or any other place?

Shri Raj Bahadur: No, Sir. There is a public call office which functions as a wireless station and it is connected so far as towns in Hyderabad State are concerned, but it is not connected with the general net work of the system in the country.

AGRICULTURAL IMPLEMENTS

*1013. **Shri Bheekha Bhai:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that the implements purchased from Messrs Pasabhai Patel and Co. Ltd., Bombay at an investment of forty lakhs of rupees are lying unused;

(b) if the answer to part (a) above be in the affirmative, what are the reasons;

(c) whether it is a fact that an F.A.O. expert has introduced certain modifications in order to render them workable; and

(d) if the answer to part (c) above be in the affirmative, what steps Government are taking to use these implements?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) to (d). A statement giving the information is placed on the Table of the House. [*See* Appendix IV, annexure No. 69.]

Shri Bheekha Bhai: May I know, Sir, the amount spent on the modification work by the F.A.O. expert and whether the amount will be realised from Pashabhai Patel & Co.

Shri M. V. Krishnappa: The total cost of the implements comes to about Rs. 43 lakhs, and the amount exactly required for the modifications is not known, but they have given certain amounts for the modification in individual cases. And I am told, though not on record, that they have agreed to bring about this modification free of cost.

Dr. Suresh Chandra: May I know, Sir, why these ploughs were purchased and who was responsible for them, whether any investigation was made by the Government into these irregularities?

The Minister of Food and Agriculture (Shri Kidwai): I think, so far as who was responsible, the Government was responsible for the purchases.

Dr. Suresh Chandra: Which officer of the Government?

Shri Kidwai: I think the decision was taken by the Government, whoever may be the officer who might

have advised for it. At that time there was much shortage of food—in 1946—when the orders were placed, and they were not available anywhere here. Import was not possible. Therefore, it was suggested that they should be manufactured here, and it is the result of that suggestion.

Shri S. N. Das: May I know whether Government took expert opinion before placing these orders, and if so, who are those experts?

Shri Kidwai: Most of the officers who were consulted have by now retired.

Pandit K. C. Sharma: Is it a fact that originally the orders were placed with a certain firm in America for the purchase of these ploughs?

Shri Kidwai: That is not correct, because it was not possible at that time, when war was still going on, to import from America.

Pandit K. C. Sharma: Is it a fact that this company was not in a position to manufacture the ploughs ordered for?

Shri Kidwai: The Company had, at one stage, expressed its inability but the Government of India was very anxious that somehow they should manufacture. Therefore, they were persuaded to manufacture.

Pandit K. C. Sharma: Is it a fact that this company at no stage agreed that it was in a position to manufacture this sort of plough?

Shri Kidwai: I am told they first expressed their inability—they as well as other firms—and then they were persuaded to manufacture them.

Shri T. N. Singh: May I know whether it is a fact that the F.A.O. expert was an employee of Messrs. Pashabhai Patel & Co.?

Shri Kidwai: That is what I came to know a few months ago, and therefore we have dispensed with his services.

Shri T. N. Singh: Were the tractors ever tried actually in the field for reclamation purposes after the so-called modifications by this expert?

Shri Kidwai: They are being tried now.

Shri T. N. Singh: What is the result?

Shri Kidwai: The result is that some of them are working very well.

Shri Gidwani: And some of them are not working at all.

Shri Kidwai: We do not know about that.

Shri Sinhasan Singh: When that company was not in a position to comply with the request of Government, and was not prepared to do the work, how was the contract entered into?

Shri Kidwai: They were persuaded to accept the contract.

Shri B. S. Murthy: May I know the reasons that necessitated Government's insistence on getting the work done by the firm which had expressed its inability to comply with the request?

Shri Kidwai: The only other firm which was there had also expressed its inability, when it was approached.

Kumari Annie Mascarene: How many lakhs of rupees were wasted in buying implements which are now lying in waste?

Shri Kidwai: I am afraid, if it is scrutinised, it will be found that we have been purchasing many things which we have not been using, not only from this firm, but we have imported something also from the U.S.A., and the U.K., and we find that they cannot be utilised without making certain changes or modifications that are being done in our country.

Attack on Howrah-Delhi Mail

***1014. Shri Muniswamy:** (a) Will the Minister of **Railways** be pleased to state whether it a fact

that on the 14th of November, 1953, the Howrah-Delhi Mail was attacked at Khaga Railway Station and if so, who were the culprits?

(b) Is it a fact that many of the passengers were attacked?

(c) What was the total loss suffered by Government on account of this attack?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes. A mob of about 200 students stoned the train.

(b) Seven passengers and three Railway servants *viz.*, the Driver, the first Fireman and the Guard of the train, received minor injuries.

(c) About Rs. 700.

Shri Muniswamy: May I know whether Government took any steps to find out whether any of these offenders are habitual offenders?

Shri Alagesan: The police have taken action, and arrested nine persons, but we have no information as to whether they were habitual offenders or not.

Shri Muniswamy: May I know whether any of the victims made any representation to Government to any loss of their property or something of that nature?

Shri Alagesan: They sustained minor injuries, and they were treated; and thereafter they proceeded on their journey.

Dr. Suresh Chandra: May I know the number of attacks on passengers in mails and other trains, and the steps that Government have taken to stop them?

Mr. Deputy-Speaker: It is a general question.

Dr. Suresh Chandra: My first question is in regard to the number of....

Mr. Deputy-Speaker: This question relates only to one train. The hon. Member wants to know generally in the case of all trains. If the hon. Minister is willing to answer, I have no objection.

Dr. Suresh Chandra: It is a very important question, and no satisfactory answer is given, Sir.

Mr. Deputy-Speaker: This question is related to only one incident, and its scope cannot be extended to cover hundred other incidents.

Dr. Suresh Chandra: This is a very important question, and a satisfactory answer is expected of the hon. Minister.

Mr. Deputy-Speaker: The hon. Member may put down a question more comprehensive than this, because in answer to a single question, the hon. Minister cannot be expected to answer other questions.

Shri G. P. Sinha: May I know whether some of the students also participated in this attack?

Shri Alagesan: Actually it was a group of about 200 students. It is highly unfortunate that our young men should indulge in such things.

Shri D. C. Sharma: What was the method of attack, and what did they attack with?

The Minister of Railways and Transport (Shri L. B. Shastri): They attacked the trains with stones.

GOLDEN ROCK RAILWAY COLONY

*1015. **Shri Veeraswamy:** (a) Will the Minister of **Railways** be pleased to state whether the house rent has been increased in Golden Rock Railway Colony on the Southern Railway and if so, why?

(b) What were the rates of rent previously and what are the rates of rent fixed now for different types of quarters?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes. The assessed rents have been increased as a result of implementation of Government Railways' Rent

Rules. The actual recovery will, however, be limited to 10 per cent. of the employees' emoluments.

(b) A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 70.]

Shri Veeraswamy: In view of the fact that the salaries of the railway staff and the wages of the railway labourers have not been increased, but the rent has been increased, may I know whether the Ministry is reconsidering the matter, so as to withdraw the orders?

The Minister of Railways and Transport (Shri L. B. Shastri): The salaries of the workers have been considerably increased.

Some Hon. Members *rose*—

Mr. Deputy-Speaker: Hon. Members want only to put questions, and not to hear answers.

Shri L. B. Shastri: As regards the increase in rent, we have taken that decision, because we have to bring about a uniformity in the rents charged from all employees.

Shri Veeraswamy: Is the hon. Minister aware that the workers of the Golden Rock Railway Colony attended work half an hour late on 26th November 1953, as a protest against the increase in rent?

Shri L. B. Shastri: It was very incorrect on their part to have come late and delayed attending the workshop.

Shri Muniswamy: May I know whether any representation was made on behalf of the workers of Golden Rock Railway workshop, and if so, what is the result?

Shri L. B. Shastri: We received a representation, but as I said just now, we cannot accept their demand.

Shri B. S. Murthy: On what basis is the increase in rent fixed, and on what basis is the uniformity insisted upon?

Mr. Deputy-Speaker: Order, order. We should not go into arguments over this matter.

Shri Nanadas: May I know the additional facilities provided for the workers, as a result of the increase in rent for the quarters?

Shri L. B. Shastri: They will be provided with railway quarters as we have on the railways.

Shri T. B. Vittal Rao: May I know whether it is correct on the part of Government to increase the rents sixfold?

Shri L. B. Shastri: Their pay scales have also increased, and in some cases perhaps more than that.

TUBE-WELLS

***1017. Shri Gidwani:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether it is a fact that Government propose to spend rupees twenty-four crores during the next three years on the construction of tube-wells?

(b) What is the number of tube-wells to be constructed?

(c) In which States will these be constructed?

(d) Will the construction work be done through the State Governments by advancing them loans for the purpose?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes.

(b) Production wells 2,650.

Exploratory wells 350.

(c) 2,650 wells will be located in U.P., Punjab, Bihar and PEPSU, while the 350 Exploratory wells will be in the States of Madras, West Bengal, Punjab, U.P., Madhya Pradesh, Bhopal, Bombay, Kutch, Saurashtra, Orissa, Bihar, Assam, Travancore-Cochin, Rajasthan and PEPSU.

(d) All the production wells will be constructed by State Governments con-

cerned partly through contractors and partly through their departmental agencies. Loans for the construction of these tube-wells will be advanced to the States. The exploratory tube-wells will be constructed by a contractor or contractors under the direct supervision of the Ministry of Food and Agriculture. The cost of successful wells will be debited as loans to the States concerned. The cost of unsuccessful wells will be borne by the Government of India.

Shri Gidwani: In reply to the question, the hon. Minister stated that loans will be advanced to the States. Will Government be vigilant and take all possible steps to ensure that tenders for the construction of the tube-wells are not given to bogus and fictitious firms like the National Tube-wells Company of Bombay, which has gone into liquidation and has caused enormous loss to the Bombay Government and the Government of India, and may I know the loss suffered by the Government of India in this connection?

Shri M. V. Krishnappa: That is an old story, Sir, which refers to the Bombay Government, who gave a contract to the National Tube-wells Limited. All that we are concerned with is the loan of Rs. 40 lakhs which we had advanced to the Bombay Government, and which we have collected. For the information of the hon. Member, I would like to add that this year, we have collected the instalment with interest. All that we were concerned with was only the loan; we had nothing to do with the other things.

Shri Raghavachari: In the list of States read out by the hon. Minister, I did not hear the name of the Andhra State. May I know whether there are any tube-wells to be located there for experiments?

Shri M. V. Krishnappa: Yes, in Andhra, exploratory tube-wells will be sunk, and their number will be 50.

Shri S. V. Ramaswamy: May I know the basis on which the funds will be allocated to the various States?

The Minister of Food and Agriculture (Shri Kidwai): The possibility of having some tube-wells in an area where no tube-wells have yet been constructed.

Dr. Suresh Chandra: May I know whether Government have any proposals or any projects for sinking wells in areas where tube-wells cannot be constructed?

Shri Kidwai: First we will try to explore if we can sink any tube-wells. The other schemes are independent of this and they are always under way.

Dr. Ram Subhag Singh: May I know, Sir, whether this tube-well construction programme is in any way related with the minor irrigation programme of 1950?

Shri Kidwai: It has nothing to do with it.

सेठ गोविन्द दास : किन किन राज्यों में कितने ट्यूबवैल बनाने की योजना है और यह जो संख्या निश्चित की गई है वह उन राज्यों की जमीन के अनुसार निश्चित की गई है या उन राज्यों की आबादी के अनुसार ?

Shri M. V. Krishnappa: According to the first project, construction of 2,000 tube-wells has been distributed in four States: U.P. 995, Bihar 350, Punjab 355 and PEPSU 300. Regarding the second project, i.e. exploratory wells, they will be distributed in all the States, and of the 650 wells, U.P. will get about 150, Bihar 75, Punjab 160 and PEPSU 135.

Shri Muniswamy: May I know, Sir, whether it is a fact that the cost of construction of tube-wells varies according to the State, and if so, how is the allotment made?

Shri M. V. Krishnappa: It varies according to the soil conditions.

Shri T. N. Singh: May I know, Sir, what is the average cost of a tube-well under this scheme, say, in U.P., and

how does it compare with the cost of tube-wells constructed elsewhere?

Shri Kidwai: Every year the contract differs from the previous year.

Shri Sinhasan Singh: He has not given the cost, Sir.

Mr. Deputy-Speaker: There are variations in average cost.

Pandit S. C. Mishra: May I know, Sir, whether in view of the fact that the Government of India have undertaken to bear the cost of unsuccessful wells, they have set up some form of machinery to make a differentiation, *i.e.* to see that the contractors who are given contracts to construct wells do not bungle?

Shri Kidwai: There is always some machinery to check the work, whether it is done by the contractor or by the department. But there is always a provision about successful tube-wells and unsuccessful tube-wells. In many cases, no payment is made.

Dr. Ram Subhag Singh: May I know, Sir, whether the Government while launching this programme of tube-well construction will also see that the rates on water from tube-wells are not increased excessively, as has been done recently?

Shri Kidwai: If the Parliament Member can persuade his State, we will be willing to control the water rates.

Dr. Ram Subhag Singh: What is the use of advancing money if they are not being controlled?

Shri Nanadas: In view of the fact that the cost of tube-wells constructed by Government is only Rs. 25,000 whereas that constructed by contractors is Rs. 30,000, may I know what are the reasons that compelled the Government to leave the construction of tube-wells to contractors?

Shri Kidwai: One obvious reason is that we want to construct these wells as early as possible. Few Governments are equipped with the experience of constructing tube-wells departmentally. Whatever they can construct departmentally, they are allowed to do.

Shri Meghnad Saha: May I know, Sir, whether the advice of any scientific expert has been sought in the location of sites for tube-wells and also for keeping the tube-wells in proper service when they are constructed?

Shri Kidwai: I am afraid I have not been able to appreciate the question. Every State Government has got trained engineers to look after these things—as to how they are constructed, how they are worked and how they are maintained.

Shri Radhelal Vyas: May I know, Sir, why the State of Madhya Bharat has been excluded from the programme of construction of tube-wells?

Shri Kidwai: Madhya Bharat has not been excluded. I was in the Madhya Bharat headquarters yesterday and I tried to persuade them to try tube-wells in some areas, but they spoke with one voice that that part of the State was not suitable for tube-wells. Then I found that there were some men who said that some tube-wells had been constructed, and I have persuaded them to try tube-wells in some areas.

Shri Raghavaiah: In view of the fact that this is going to be of immense benefit to the people, mainly agriculturists, and in view of the necessity of this being completed quickly, will the Government consider the desirability of enlisting the co-operation of the people and getting it done by them?

Shri Kidwai: In some places, agriculturists have been persuaded to form co-operative societies and undertake the construction of tube-wells. Both the Central and State Governments have come to finance them.

Dr. D. Ramachander: What are the districts that are taken up for the purpose of tube-well construction in the State of Madras?

Shri M. V. Krishnappa: The hon. Member's district, North Arcot, will also be included.

Mr. Deputy-Speaker: Next question.

Shri Lakshmayya: May I know, Sir, whether experimental tube-wells are going to be constructed in Rayalaseema?

Mr. Deputy-Speaker: The hon. Member is a little late. Next question.

WAGON POSITION

***1018. Shri C. R. Narasimhan:** (a) Will the Minister of **Railways** be pleased to state what is the present wagon supply position for export of minerals from the Madras port?

(b) What arrangement is made for genuine exporters who do not resort to registration for the wagons through a number of parties to move their contractual quantities?

(c) How much ore has been moved out at the instance of parties who had registered for wagons on the Guntakal-Bangalore section during the period from the 15th August to the 15th October, 1953?

(d) How many of them have actually exported minerals and what quantity during the above period?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) In the rationing of rail transport to meet the overall requirements, traffic in export ores gets a suitable share. 6,748 wagon-loads of export ores were moved to Madras Port during the six months ending 30th September 1953 as against 4,011 wagon-loads during the previous six months, which represents an increase of 68 per cent.

(b) The Railway as a public carrier, cannot discriminate in the matter of allotment of wagons between the various classes of consignors *viz.*, whether genuine exporters or others. The indents for this traffic, which is entirely for export, are accepted from the consignors who fulfil the prescribed conditions, which are alike for all consignors of this traffic from the areas concerned.

(c) Information for the period from 15th August to 15th October 1953 is not readily available. During the period 1st August to 31st October, 1953, however, a total of 3,207 wagon loads of export ores were moved from the Guntakal and Bangalore Railway Districts, *viz.*, 623 from the former and 2,584 from the latter.

(d) The information is not readily available and its compilation will entail considerable labour and time which may not be commensurate with the purpose it is likely to serve.

Shri C. R. Narasimhan: Are there complaints from exporters, particularly of manganese ore, that those with larger commitments are allotted less number of wagons?

Shri Alagesan: Yes, Sir. It is a sort of rivalry between all these exporters, and there are complaints made. Each one wants the maximum for himself.

Shri T. Subrahmanyam: Who prescribes the terms and conditions on the basis of which wagon allotment is made?

Shri Alagesan: The Railway, Sir. But I may tell the hon. Member and the House that the Commerce and Industry Ministry is having this matter under consideration. We may receive their advice shortly and then it will be decided.

Shri C. R. Narasimhan: Are there any rough and ready methods in regard to allotment of wagons for exporters?

Shri Alagesan: If the Commerce and Industry Ministry indicates the quantity in the export licences, then the allotment of wagons may be related to the quantum of export each party has been allowed.

Shri C. R. Narasimhan: Has this resulted in a scramble for wagons which has adversely affected genuine exporters?

Shri Alagesan: It is not so. Sir, this system has already been introduced with respect to exports from

Calcutta port and it may be introduced with respect to Madras also.

TELEGRAPH EXHIBITION

*1020. **Shri Bheekha Bhai:** Will the Minister of **Communications** be pleased to state:

(a) the amount of money expended on setting up of the Telegraph Centenary Exhibition at Eastern Court in New Delhi; and

(b) whether this exhibition will go from city to city as was done in the case of the Railways Centenary Exhibition?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) On the basis of information available upto approximately Rs. 1,95,000 have been spent on the setting up and running the Telegraph Centenary Exhibition.

(b) The question of sending the exhibits to Calcutta, Bombay and Madras is under consideration.

Shri Bheekha Bhai: May I know, Sir, what is the amount of the proceeds collected from admission tickets and other sources during the exhibition period?

Shri Raj Bahadur:

	Rs
Rental charges ...	16.300
Sale of commemoration volumes.	410
Sale of handbooks ...	575
Advertisements on handbooks.	6.700
Souvenir telephones	1,795
Tickets	12,502
Miscellaneous ...	1,025.

Apart from these, philatelic sales—of the centenary stamps—are expected to fetch a revenue of about Rs. 2 lakhs.

Shri Bheekha Bhai: May I know, Sir, whether this is going to be made a permanent feature?

Shri Raj Bahadur: The exhibition was for a temporary period—one month. It cannot be made permanent. The exhibition will be shown at Bombay, Calcutta and Madras, as I have just submitted.

सेठ गोविन्द दास : बम्बई, कलकत्ता और मद्रास को छोड़ कर बाकी स्थानों को एग्जीबीशन भेजने का विचार है या नहीं और यदि नहीं है तो क्यों नहीं है ?

श्री राज बहादुर : यह विचाराधीन है ।

Mr. Deputy-Speaker: The Question-hour is over.

WRITTEN ANSWERS TO QUESTIONS

CONTRACT SYSTEM OF HAMALS

*1002. **Shri Madhao Reddi:** Will the Minister of **Railways** be pleased to state whether the Central Railway Authorities have extended the contract system of Hamals to deal with loading and unloading of goods to the former N. S. Railway, in which the co-operative system of Sowcarihamals was prevalent so far?

The Deputy Minister of Railways and Transport (Shri Alagesan): The contract system of loading and unloading goods has been extended to Secunderabad, Hyderabad and Kacheguda Stations—on the former Nizam's State Railway portion of the Central Railway in replacement of the "Sowcarihamal" system.

RECOGNITION OF M. B., B. S. DEGREE OF DARBHANGA MEDICAL COLLEGE

*1003. **Shri L. N. Mishra:** Will the Minister of **Health** be pleased to state:

(a) whether any decision has been taken about the recognition of M.B., B.S. degree of the Darbhanga Medical College (Bihar); and

(b) if so, whether the Indian Medical Council has now recognised that degree?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). The Medical Council of India have recommended the recognition of the M.B.B.S. degree of Bihar University granted after the 1st April 1953. The question of recognising the degree under the Indian Medical Council Act, 1933 and including it in the First Schedule to the Act is under consideration of the Government of India.

DINING CAR IN LUCKNOW-KATIHAR MAIL

*1010. **Shri Amjad Ali:** Will the Minister of **Railways** be pleased to state whether Government propose to provide dining car facilities in the Lucknow-Katihar mail train?

The Deputy Minister of Railways and Transport (Shri Alagesan): A buffet car is already running on the Lucknow-Katihar mail.

Arrangements are in hand to replace the buffet car with a dining car service.

I. L. O. FELLOWSHIP SCHEME

*1016. **Shri M. N. Singh:** (a) Will the Minister of **Railways** be pleased to state whether it is a fact that candidates are recommended for training under the I.L.O. fellowship scheme from different Railways?

(b) If so, what is the basis of selection for these candidates?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, but it is proposed to take advantage of the Point-4 Programme.

(b) The matter is under consideration.

BOOKLET ON "KULU AND KANGRA"

*1019. **Shri Amjad Ali:** Will the Minister of **Transport** be pleased to state:

(a) whether a booklet in pictures was issued recently by the Tourist Traffic Branch of the Ministry of Transport, with the title "Kulu and Kangra"; and

(b) what facilities for the stay of tourists are given in that area?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The State Government allow the use of the P.W.D. and Forest Rest-Houses in these valleys to tourists on payment of usual charges.

A. M. S. DEGREE OF BANARAS UNIVERSITY

*1021. **Shri Bibhuti Mishra:** Will the Minister of **Health** be pleased to state:

(a) whether the degree of A.M.S. conferred by the Hindu University, Banaras is recognised by any State Government for purposes of employment; and

(b) if so, in which States?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) Uttar Pradesh, Assam, Orissa, Madhya Pradesh, Bombay, Rajasthan, Hyderabad, PEPSU, Saurashtra, Madhya Bharat, Bhopal, Vindhya Pradesh, and Himachal Pradesh.

FAMILY PLANNING COMMITTEE

*1022. **Shri Muniswamy:** Will the Minister of **Health** be pleased to state what are the main recommendations of the Family Planning and Programmes Committee?

The Minister of Health (Rajkumari Amrit Kaur): A statement showing the main recommendations of the Committee is placed on the Table of the House. [*See* Appendix IV, annexure No. 71.]

RECRUITMENT IN RAILWAY WORKSHOPS, KHARGPUR

*1023. **Shri Sanganna:** Will the Minister of **Railways** be pleased to state:

(a) the number of recruitments made into class IV services in the Railway Workshops, Khargpur, in the years 1950, 1951, 1952 and 1953;

(b) the number of Scheduled Castes and Scheduled Tribes candidates recruited in each of these years; and

(c) whether separate selection for the candidates of these communities was held to implement the percentage reservation in terms of instructions issued by the Ministry of Home Affairs?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 72.]

(c) No.

TELEPHONE EXCHANGE AT MOTIHARI

*1024. **Shri Bibhuti Mishra:** (a) Will the Minister of **Communications** be pleased to state the reasons for discontinuing automatic Telephone Exchange from Motihari which was already functioning?

(b) Do Government propose to reopen automatic Telephone Exchange at Motihari and if so, when?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The auto exchange was replaced by a Manual exchange as its capacity was too small to meet the new demands for telephones.

(b) No.

SHIFTING OF RAILWAY LINE AT RAJKOT

*1025. **Dr. J. N. Parekh:** Will the Minister of **Railways** be pleased to state:

(a) whether the railway line passing through Rajkot City (Saurashtra) is likely to be shifted in order to remove the hardship caused to the public; and

(b) if so, when the work is likely to commence?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) The work is expected to be commenced shortly.

DEVA-DASGOAN RAILWAY LINE

*1026. **Shri Gidwani:** (a) Will the Minister of **Railways** be pleased to state whether Government have completed the survey of a broad gauge railway line from Deva to Dasgoan in the Bombay State?

(b) What is the approximate cost of the survey?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Not yet, Sir.

(b) Rs. 1,97,104 approximately for the Engineering Survey and about Rs. 25,000 for a Traffic Survey.

RAILWAY WORKSHOPS

*1027. **Shri K. P. Tripathi:** (a) Will the Minister of **Railways** be pleased to state the arrangements that exist in Dibrugarh (N.E. Railway) for apprenticeship training of workers in the Railway Workshop there?

(b) What are the other centres in the Railway where similar facilities exist?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) In Dibrugarh Workshops apprentices receive practical training in the shops. Their theoretical training is entrusted to three Workshop Foremen.

(b) The only other training centres for apprentices on the North Eastern Railway are Gorakhpur and Izatnagar.

TELEPHONE EXCHANGES IN SAURASHTRA

*1028. **Shri Jethalal Joshi:** Will the Minister of **Communications** be pleased to state how many telephone exchanges are there in Saurashtra under the 'Own Your Telephone' Scheme and how many otherwise?

The Deputy Minister of Communications (Shri Raj Bahadur): Under Own your Telephone Scheme 1.

Under non-Own Your Telephone Scheme 27.

SUGAR PRICES IN WEST BENGAL

*1029. **Shri N. B. Chowdhury:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government are aware that imported sugar is not being sold at the same rate throughout West Bengal as stated by him at the time of demanding supplementary grants; and

(b) if so, whether Government have taken any steps to see that sugar is sold at the same rate in Calcutta and rural areas of West Bengal?

The Minister of Food and Agriculture (Shri Kidwai): (a) and (b). At the time of obtaining the Supplementary Grant during the last session of the House, it was stated that imported sugar would be supplied at 12 annas and 6 pies per seer in Calcutta and other areas in Bengal. Enquiries made from Bengal Government reveal that imported sugar is selling at this rate both in Calcutta and rural areas.

LOCOMOTIVES IN SEALDAH DIVISION

*1030. **Shri H. N. Mukerjee:** Will the Minister of **Railways** be pleased to state:

(a) what is the percentage of over-age locomotives (older than 40 years) at present utilised in the Sealdah Division of the Eastern Railway;

(b) whether Government's attention has been drawn to recent instances of drivers in the said Division refusing to take out superannuated locomotives but yet are compelled by order to do so; and

(c) whether Government's attention has also been drawn towards cases of breakdown of passenger traffic in consequence of the employment of such locomotives, and assault by inconvenienced passengers on drivers and firemen?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Approximately 35 per cent.

(b) No such instance has been reported.

(c) A few cases of interference have been reported and certain further particulars have been called for.

CIVIL AVIATION DEPARTMENT STAFF

*1031. **Shri Vallatharas:** Will the Minister of **Communications** be pleased to state the percentage of the staff that is temporary in the Civil Aviation Department and the reasons for keeping them temporary?

The Deputy Minister of Communications (Shri Raj Bahadur): 16.9 per cent. of the gazetted and 62.3 per cent. of the non-gazetted staff in the Civil Aviation Department are temporary. They are temporary partly because the posts themselves are temporary and partly because till recently the staff in the department was subject to the general ban on confirmation of personnel. This ban has recently been partially relaxed to enable a proportion of the posts in the Department to be filled substantively and action is in progress to confirm suitable persons against the available vacancies.

SULTANPUR JAFRABAD RAILWAY LINE

*1032. **Shri Ganpati Ram:** Will the Minister of **Railways** be pleased to state:

(a) whether construction work of Sultanpur-Jafrabad Railway line has commenced; and

(b) if so, the progress made so far?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 73.]

AFFORESTATION POLICY

*1033. **Shri Kanavade Patil:** Will the Minister of **Food and Agriculture** be pleased to state whether any steps have been taken by the Government

of India to implement the re-afforestation plans as envisaged under the provisions of Government of India's Forest Policy Resolution of 12th May, 1952?

The Minister of Food and Agriculture (Shri Kidwai): The National Forest Policy is, as stated in para. 34 thereof, only an enunciation of general principles, which the States have been requested to observe in framing their policies and legislation for the conservation of their forest resources. Forestry is a State subject. The Central Board of Forestry, at which all the States are represented at the Ministerial level, has endorsed this Policy. The Board's resolutions on the subject are placed on the Table of the House. [*See* Appendix IV, annexure No. 74.]

LIGHTING ARRANGEMENTS IN TRAINS

*1034. **Shri R. C. Majhi:**
Shri Sanganna:

(a) Will the Minister of **Railways** be pleased to state whether the comments in the regional press regarding the inadequate lighting in the passenger trains on the East Coast of the Eastern Railways have been brought to the notice of Government?

(b) If so, have any steps been taken to improve this situation and if so, what are they?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) Inadequate lighting in the passenger trains on the East Coast of the Eastern Railway has been due to the high incidence of theft of train lighting dynamo belts in spite of precautions on the part of the Watch and Ward and Railway Protection Police, who, with the Civil Police Authorities, are taking such concerted action as is possible to apprehend the culprits. Prevention of thefts is essentially a law and order problem and the attention of the State Governments concerned has been drawn repeatedly to this and they have been urged to take vigorous action.

मोकामा का रेल का पुल

*१०३५. **पंडित एस० सी० मिश्र :** क्या रेल मंत्री यह बतलाने की कृपा करेंगे कि क्या यह सच है कि मोकामा के स्थान पर गंगा नदी पर रेल का पुल बनाने के निमित्त अस्थायी कर्मचारियों के लिये कलकत्ता तथा अन्य स्थानों पर नये प्रार्थना पत्र मांगे गये हैं ?

The Deputy Minister of Railways and Transport (Shri Alagesan): No.

साहबगंज-मुंगेर घाट स्टीमर सर्विस

* १०३६. **पंडित एस० सी० मिश्र :** क्या रेल मंत्री यह बतलाने की कृपा करेंगे :

(क) क्या यह सच है कि गत वर्ष मुंगेर नगर तथा जिले के लोगों की ओर से सरकार के पास एक अभ्यावेदन आया था कि साहबगंज और मुंगेर के बीच की स्टीमर सर्विस संगठित रूप से चलाई जाये; तथा

(ख) यदि हां, तो उस पर क्या कार्यवाही की गई है ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir.

(b) Does not arise.

GANGA-BRAHMAPUTRA WATER TRANSPORT BOARD

*1037. **Shri K. C. Sodhia:** (a) Will the Minister of **Transport** be pleased to state the present composition of the Ganga-Brahmaputra Water Transport Board and when was it established?

(b) What progress has so far been made by this Board?

(c) What is its present programme?

(d) What expenditure has been incurred on it up-to-date since its inception?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A statement giving the required information is laid on the Table of the House. [*See* Appendix IV, annexure No. 75.]

(b) and (c). The main item in the Board's immediate programme is to carry out a Pilot Project for navigating the Upper Ganga and Ghogra with shallow draft tugs and barges. At its last meeting held on the 26th October 1953, the Board approved of certain preliminary arrangements necessary for starting the project.

(d) Rs. 3,372-7-0.

रेल के इंजन

*१०३८. **श्री नवल प्रभाकर :** क्या रेल मंत्री यह बताने की कृपा करेंगे :

(क) भारत में कितने समय तक रेल के इंजनों के बारे में आत्म निर्भरत प्राप्त होगी; तथा

(ख) आत्म निर्भरता प्राप्त करने के लिये कितने इंजन आयात किये जायेंगे और कितनों का देश में निर्माण होगा।

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). It is expected that self-sufficiency, as far as normal replacement requirement of locomotives is concerned, will be attained by about 1957-58. Every effort is being made to set up indigenous production as early as possible, but to provide the additional locomotives that will be required to move the increases in traffic, some imports may be necessary for a few years. However, the position will be reviewed periodically.

Ergot

*1039. **Dr. Rama Rao:** (a) Will the Minister of **Food and Agriculture** be pleased to state the Districts where Ergot is grown in India?

(b) What was the total annual production in 1952-53?

(c) What is the total annual quantity of Ergot required in India?

(d) How does the Indian Ergot compare with imported Ergot in alkaloidal content?

(e) What are the main reasons for not growing at least the quantity required in India?

(f) Is any tariff protection needed and if so, to what extent?

The Minister of Food and Agriculture (Shri Kidwai): (a) Nilgiri Hills (Madras).

(b) About 2,000 lbs.

(c) About 40,000 lbs.

(d) Alkaloid content of ergot produced in Madras is higher than that of the imported ergot.

(e) The I.C.A.R. took up the question of increasing ergot production with Madras Government but they are unable to do so owing to financial stringency. The I.C.A.R. has recently sanctioned a scheme for production of ergot in Assam and another scheme in West Bengal is under consideration.

(f) Not presently.

गोसदन

*१०४०. **श्री वी० जी० देशपांडे :** क्या **खाद्य तथा कृषि** मंत्री यह बतलाने की कृपा करेंगे :

(क) गोसदन योजना पर अब तक केन्द्रीय सरकार ने कितनी धन राशि खर्च की है; तथा

(ख) अब तक कितने पशु दाखिल किये गये हैं ?

The Minister of Food and Agriculture (Shri Kidwai): (a) The amount spent during 1952-53 the first year of the Scheme, was Rs. 1,35,450. The figures for the current year are not yet available.

(b) 980.

TELEGRAPH OFFICES IN BIHAR

***1041. Shri L. N. Mishra:** Will the Minister of **Communications** be pleased to state:

(a) whether the Government of Bihar have accepted the guarantee sums for opening telegraph offices at Narpatganj, Balwabazar, Birpore (Purnea-Saharse), Andhra Tharhi, Khutanabazar, Lawkaha and Lawkahi Bazar (Darbhanga) of Bihar;

(b) if so, when these are expected to start working; and

(c) if not, what is the exact position where the proposal stands?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No.

(b) and (c). A Telegraph Office at Narpatganj has been sanctioned without guarantee and steps are being taken to expedite its opening during this financial year. Other proposals will be taken up if the guarantee terms are accepted.

वन गवेषणा संस्था, देहरादून

***१०४२. श्री रघुनाथ सिंह :** क्या **खाद्य तथा कृषी** मंत्री यह बताने की कृपा करेंगे :

(क) क्या यह सच है कि वन गवेषणा संस्था, देहरादून में एक प्लाइवुड यंत्र आ पहुंचा है ?

(ख) क्या यह सच है कि इस यन्त्र से प्रति दिन ६ टन का उत्पादन हो सकता है; और यदि हां, तो गत वर्ष में कितना उत्पादन हुआ था ;

(ग) क्या यह सच है कि इस यन्त्र का पूर्ण उपयोग नहीं होता है; तथा

(घ) यदि हां, तो इस यंत्र को पूर्ण रूप से उपयोग में लाने के लिये सरकार का क्या कार्यवाही करने का विचार है ?

The Minister of Food and Agriculture (Shri Kidwai): (a) to (d). The information is being collected and will be placed on the Table of the House in due course.

BARSI LIGHT RAILWAY

***1043. Shri H. N. Mukerjee:** Will the Minister of **Labour** be pleased to state whether Government have taken any steps for reference to an industrial tribunal of the dispute, pending at present, between the workers' Union and the Company which operates the Barsi Light Railway?

The Minister of Labour (Shri V. V. Giri): The matter is under examination and a decision is expected to be taken soon.

GOLDEN ROCK WORKSHOP COLONY

***1044. Shri Veeraswamy:** Will the Minister of **Railways** be pleased to state:

(a) whether the Railway Ministry has received any joint memorandum or memoranda from various Unions of the Golden Rock Workshop, protesting against increase of rent for their quarters; and

(b) if so, what action Government propose to take in this matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The representations are under consideration.

पोस्ट कार्डों का विक्रय

***१०४५. श्री रघुनाथ सिंह :** क्या **संचरण** मंत्री यह बताने की कृपा करेंगे :

(क) क्या यह सच है कि डाक विभाग को प्रति पोस्ट कार्ड पर चार पाई की हानि होती है और अन्तर्देशीय पत्र से लाभ होता है; तथा

(ख) सन् १९५२-५३ में पोस्ट कार्डों तथा अन्तर्देशीय पत्रों के विक्रय से क्रमशः कितनी हानि तथा लाभ हुआ है ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Roughly this is the position.

(b) Loss from post cards is estimated at Rs. 133 lakhs. Gain from inland letters is estimated at Rs. 253 lakhs.

रायला रोड स्टेशन

४४२. **श्री बलवन्त सिंह मेहता :** (क) क्या रेल मंत्री यह बताने की कृपा करेंगे कि क्या ७२ अप ट्रेन जो रेलवे शताब्दी से पूर्व रायला रोड पर ठहरा करती थी अब वहां नहीं ठहरती है ?

(ख) यदि हां, तो इस के क्या कारण हैं ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, prior to 16th April 1953 No. 72 Down (new No. 324 Down) was scheduled to halt at Raila Road Station. The halt was eliminated from that date.

(b) 72 Down (new No. 324 Down) was converted into an express train with effect from 16th April 1953. To accelerate this train certain unimportant halts, including that at Raila Road, had to be eliminated.

केन्द्रीय गवेषणा संस्था, कसौली

४४३. **डा० सत्यवादी :** क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी :

(क) केन्द्रीय गवेषणा संस्था, कसौली में विभिन्न श्रेणियों के स्थायी तथा अस्थायी कर्मचारियों की संख्या क्या है ?

(ख) प्रत्येक श्रेणी में हरिजनों की क्या संख्या है ;

(ग) १९५३ में रखे गये कर्मचारियों की वर्गानुसार संख्या क्या है और उन में से हरिजन कितने हैं; तथा

(घ) चतुर्थ श्रेणी के हरिजन कर्मचारियों में से भंगियों तथा अन्य कर्मचारियों की क्रमशः कितनी कितनी संख्या है ?

The Minister of Health (Rajkumari Amrit Kaur): (a) to (d). The information is being collected and will be laid on the Table of the House in due course.

Delhi-Bombay Janata Express

444. Shri U. M. Trivedi: (a) Will the Minister of **Railways** be pleased to state for how long the Janata Express was running between Bombay Central and Delhi in 1952?

(b) Are Government aware that during the week preceding its discontinuance, the passenger traffic on it had trebled itself?

(c) Why was it discontinued?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) From 1st October, 1951 to 14th May, 1952 (both days inclusive).

(b) No, as the figures of the passenger traffic on the Janata Express in the week preceding its discontinuance are not available.

(c) The Janata Express was cancelled from 15th May, 1952 due to lack of sufficient traffic, as shown by the census taken for three days from 10th to 12th February, 1952.

Hospital in Tripura

445. Shri Dasaratha Deb: Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that the Government of Tripura had requisitioned a plot of land formerly near the Khowai-Kalyanpur Road in the vicinity of Khowai Divisional Headquarter for establishing an indoor hospital;

(b) whether it is a fact that Government have now abandoned the plan of establishing indoor hospital there;

(c) if so, what are the reasons that made Government to abandon such a scheme;

(d) whether Government have received representations from the people of Khowai Town asking Government to carry out its previous decision; and

(e) if so, what is Government's decision in this matter?

The Minister of Health (Rajkumari Amrit Kaur): (a) to (e). The information required has been called for from the Chief Commissioner of Tripura and will be placed on the Table of the House in due course.

STAFF WELFARE IN BIHAR CIRCLE

446. Shri S. N. Das: Will the Minister of **Communications** be pleased to state:

(a) whether any progress has been made in the matter of organisation of staff welfare measures in the Bihar Circle during the last three years;

(b) if so, what; and

(c) what is the percentage of each category of employees who have been provided with quarters so far?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) and (c). A statement giving the required information is laid on the Table of the House. [*See* Appendix IV, annexure No. 76.]

DEEP-SEA FISHING

447. Shri V. P. Nayar: (a) Will the Minister of **Food and Agriculture** be pleased to state whether Government have any plans to collect the necessary data required for developing deep-sea fishing?

(b) If so, will Government lay on the Table of the House a short account of such plan?

(c) How many scientists and technicians are now working in the collection of such data, under the Central Government at present?

(d) What is the area of the sea in respect of which Central Government has full data for deep-sea fishing at present?

The Minister of Food and Agriculture (Shri Kidwai): (a) Yes.

(b) A short account of the plan is laid on the Table of the House. [*See* Appendix IV, annexure No. 77.]

(c) Four scientists and 39 fishing technicians and crew working on the vessels of the Deep-Sea Fishing Station, Bombay, are assisting in the collection and analysis of the data.

(d) The work was begun in 1948 and considering the vast area to be surveyed, can still be considered to be in the initial stages. With the analysis of the data already collected, a fairly clear picture of the section of the Arabian Sea between Port Okha and Bombay has, however, become available and the existence of rich trawling grounds to the West of Kathiawar Coast established.

Previous surveys conducted by a few maritime States (Bombay, Madras and Bengal) and the recent survey by West Bengal have provided some data on the fishing banks south of Cape-Comorin, north of Palk Bay, west of Mangalore, and the fishing banks off the mouth of the Mahanadi.

FISHERIES

448. Shri V. P. Nayar: Will the Minister of **Food and Agriculture** be pleased to refer to para. 7 "Inland Fisheries" of Chapter XXIII of the First Five Year Plan and state whether Government have sent any research scholar for training in spawning of European carps in Brazil or Indonesia?

The Minister of Food and Agriculture (Shri Kidwai): Not so far.

FISH

449. Shri V. P. Nayar: (a) Will the Minister of **Food and Agriculture** be pleased to refer to part (e) of para. 4 of the Planning Commission's Report's Chapter XXIII on Fisheries and state the basis of the conclusion

that the dams and weirs over rivers have made the yield of fresh water fisheries deteriorate?

(b) What are the commercial varieties of fresh water fish which migrate to customary spawning grounds?

The Minister of Food and Agriculture (Shri Kidwai): (a) The conclusion is based on the general observations on the decline of fish caused by changes in the hydrographical conditions in the region and also restriction of fish migrations as in the case of Hilsa in Cauvery, Krishna and Godawari rivers.

(b) Hilsa, Mahser and Carps (short migrations).

CATERING CONTRACTORS ON NORTHERN RAILWAY

450. Shri D. C. Sharma: (a) Will the Minister of **Railways** be pleased to state whether there have been any complaints against any contractors for vegetarian and non-vegetarian hotels on the platforms of the Northern Railway?

(b) If so, what action has been taken on them?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 30 complaints were received against contractors of Vegetarian and Non-vegetarian Refreshment Rooms on the Northern Railway during 1952-53.

(b) The nature of action taken is indicated below:—

(i) Contract terminated—1 case.

(ii) Contractor fined—9 cases.

(iii) Contractor warned—11 cases.

(iv) Staff of contractor removed from service—4 cases.

(v) Complaint not established or withdrawn—5 cases.

Total —30 cases.

INDUSTRIAL DISPUTES IN COAL-FIELDS

451. Shri K. P. Sinha: Will the Minister of **Labour** be pleased to state:

(a) the number of industrial disputes in the coal-fields referred to the Industrial Tribunals for adjudication during the current year; and

(b) the number of workers affected by these disputes?

The Minister of Labour (Shri V. V. Giri): (a) Four.

(b) Information is being collected and will be placed on the Table of the House in due course.

WOMEN MICA WORKERS

452. Shri Nanadas: (a) Will the Minister of **Labour** be pleased to state the number of women mica workers certified as pregnant women by the Nellore Mica Welfare Fund authorities during the years 1950, 1951, 1952 and 1953?

(b) How many of these pregnant women were paid maternity benefit allowances?

The Minister of Labour (Shri V. V. Giri): (a) and (b). A statement is given below:—

STATEMENT

Year	Total number of cases registered at the different maternity centres run by the Mica Mines Labour Welfare Fund Organisation, Nellore.	Number of women who were paid maternity benefit by Mica Mine Owners.
1950	369	13
1951	439	32
1952	433	63
1953 (upto 31-10-53)	533	58

NOTE.—Some of the cases registered at the Maternity Centres are of members of families of labourers and others in the mining area who are not labourers. The number of such cases is not known. There is no general system of certification and the figures given are of pregnant women who registered themselves at the Maternity Centres.

INDONESIAN RED CROSS SOCIETY

453. Shri Buchhikotaiah: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that some quantity of food stuff was received from the Indonesian Red Cross Society for distribution in the food scarcity areas; and

(b) if so, what quantity and when?

The Minister of Food and Agriculture (Shri Kidwai): (a) and (b). The Government of India have not received any food gift from the Indonesian Red Cross Society, but the Indian Red Cross Society have received from them 567 bags maize, 200 bags green peas and 110 bags peeled groundnuts in September, 1953.

SHIFTING OF OFFICES AT MUZAFFARPUR

454. Shri Sinhasan Singh: Will the Minister of **Railways** be pleased to state:

(a) when the offices of R. T. S. and R. M. E. Muzaffarpur shifted to Arthur Butler Building; and

(b) whether it is a fact that Government continued paying the rent of the previously occupied building even after its vacation, for six months at the rate of Rs. 650 p.m. along with the rent of the newly occupied building?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A part of the offices of R.T.S. and R.M.E. was shifted on 27th February, 1953.

(b) No. The Arthur Butler Buildings were taken over on 5th December, 1952. The Buildings previously occupied could not be released before 31st May, 1953, as these were required for certain other branches of the offices of the R.T.S. and R.M.E. which could not be accommodated in the new buildings and were later on provided with necessary accommodation by shifting certain other offices to Samastipur. Rent on the previously occupied buildings was paid upto 31st May, 1953 only.

COMPENSATION TO DISPLACED ROAD TRANSPORT OPERATORS

455. { Sardar Hukam Singh: Shri Bheekha Bhai:

Will the Minister of **Transport** be pleased be state:

(a) whether the Government of India propose to amend the Motor Vehicles Act, 1939 in pursuance of the promise given by them during 1950 at the time of discussion on the Road Transport Corporation Bill in Parliament;

(b) whether Government have examined the question of the payment of compensation to the displaced operators as recommended by the Select Committee on the Road Transport Corporation Bill; and

(c) if so, whether any decision has been taken and any policy evolved in respect of the compensation to be paid to the displaced operators, whose permits may not be renewed under the Motor Vehicles Act, 1939 in order to hand over their routes to the Road Transport Corporation?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Yes.

(c) The matter is still under consideration.

ROAD TRANSPORT

456. { Shri Bahadur Singh: Sardar Hukam Singh:

Will the Minister of **Railways** be pleased to state:

(a) the total investments made on behalf of the Railways in the Road Transport undertakings in the State of Orissa which are being worked under quadrite arrangements;

(b) the profits which have accrued to the Railways on the above capital during 1950-51, 1951-52 and 1952-53; and

(c) whether Government propose to invest any further amount in these undertakings?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The amount of money invested by the

Central Government in the Orissa Road Transport Company, Ltd., is Rs. 3 lakhs.

(b) The Company commenced operation from 1st January, 1951. A dividend of Rs. 12,610/11/- representing 5½ per cent. of capital for the period of 15 months ending 31st March, 1952 was paid to the Railway.

The Company earned a total profit of Rs. 3,511/14/4 during 1952-53. The Board of Directors of the Company did not, however, recommend payment of any dividend, so that the profits may be utilized towards stabilization of the funds of the Company.

(c) The question of further investment by Central Government in the Orissa Road Transport Company is under consideration.

GRAZING FEES

457. Shri Sanganna: Will the Minister of **Railways** be pleased to state:

(a) whether Government are aware that the railway contractors do realize grazing fees from the neighbouring villages of railway line on the Eastern Railway Zone in Orissa;

(b) if the answer to part (a) above be in the affirmative, whether the contractors are licensed to do so; and

(c) if so, what is the amount of licence fees paid by them annually to Government?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). No. Only grass-cutting rights are sold out to outsiders by public auction but the purchaser is not permitted to sublet. No case of such subletting has been reported so far.

(c) The grass-cutting rights are sold annually by public auction and the question of payment of annual licence fee by purchasers does not therefore arise.

RAILWAY ACCIDENT NEAR VILLUPURAM

458. Shri Muniswamy: (a) Will the Minister of **Railways** be pleased to state whether it is a fact that a derailment took place on the 7th November, 1953 on the Southern Railway between Villupuram and Katpadi Railway Junctions?

(b) If so, what were the causes of the derailment?

(c) What was the total estimated loss?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) At about 16.16 hours on 6th November, 1953 and not on 7th November, 1953 as stated in the Question, while No. 2121 Down Goods train was running between Velanandal and Tandarai stations on the Katpadi-Villupuram Section of the Southern Railway, 18 wagons on the train derailed and canted.

(b) An Inter-departmental enquiry by District Officers of the Railway, which was held on 13th and 14th November, 1953, has not yet been completed and the cause of the accident will be known on its completion.

(c) The approximate cost of damage to the rolling stock and permanent way was Rs. 9,500.

ROAD TRANSPORT SERVICES IN HYDERABAD

459. Shri T. B. Vittal Rao: Will the Minister of **Transport** be pleased to state:

(a) whether the sum of rupees twenty-two lakhs provided for in the budget for the current year for investment in the Road Transport Services in Hyderabad State has since been invested; and

(b) if not, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) The Government of Hyderabad have recently informed the Government of India that they have decided

to drop the proposal to set up a Road Transport Corporation.

SUSPENSION OF OFFICERS OF *ex*-MYSORE STATE RAILWAYS

460. Shri T. B. Vittal Rao: Will the Minister of **Railways** be pleased to refer to answer given to unstarred question No. 33 asked on the 17th November, 1953 and state:

(a) whether any decision has since been arrived at against the two class II officers of *ex*-Mysore State Railways, who are under suspension on charges of misuse of privilege passes and grain-shop facilities;

(b) the dates on which they were suspended;

(c) whether any subsistence allowance is being paid and if so, how much; and

(d) the reasons for the delay in coming to a decision in these cases?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, in the case of one of the officers.

(b) 28th May, 1953 and 8th April, 1952.

(c) Yes, Rs. 175 and Rs. 150.

(d) The officers themselves took 2 to 5 months to reply to the charge-sheets which retarded early finalisation.

RECRUITMENT OF CLASS IV STAFF AT KHARGPUR

461 Shri Sanganna: Will the Minister of **Railways** be pleased to state:

(a) the number of class IV staff appointed by the Superintendent, Way and Works, Khargpur in 1950, 1951, 1952 and 1953; and

(b) the number of Scheduled Caste and Scheduled Tribe candidates appointed in each category in each of these years?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Nil.

(b) Does not arise.

APPRENTICES IN KHARGPUR WORKSHOPS

462. Shri Sanganna: Will the Minister of **Railways** be pleased to state:

(a) the number of 'B' grade apprentices recruited in the Khargpur Workshops in the years 1950, 1951, 1952 and 1953;

(b) the number of Scheduled Castes and Scheduled Tribes candidates recruited in each of these years: and

(c) whether separate selection of the candidates of these communities was held?

The Deputy Minister of Railways and Transport (Shri Alagesan:) (a) and (b)—

Year.	No. of apprentices recruited		
	Total No.	Sch. Castes.	Sch. Tribes.
1950	No recruitment		
1951	98	3	Nil
1952	78	6	2
1953	89	11	5

(c) No.

PORTS

463. Shri Muniswamy: Will the Minister of **Transport** be pleased to state what are the considerations to declare a port as minor or major Port?

The Deputy Minister of Railways and Transport (Shri Alagesan): No definite criteria have been laid down in regard to the declaration of a port as major or minor. The distinction between a major and a minor port is however, generally understood. The sheltered nature of the port, the well-laid out approach channels, the provision of docks, jetties and moorings, well-laid out transit sheds, effective railway connections, the ability to serve a very large portion of the hinterland, the comparatively large volume of traffic and the possibilities of working for shipping all the year round usually distinguish a major port from a minor port. The Central Government is responsible for all

major ports while the minor ports are under the control of State Governments.

LOCOMOTIVES

464. Shri Beli Ram Das: Will the Minister of **Railways** be pleased to state how many Metre Gauge Locomotives were purchased during 1952-53 and are being purchased in 1953-54?

The Deputy Minister of Railways and Transport (Shri Alagesan): Number of Metre Gauge Locomotives ordered during:

1952-53	... 70
1953-54	250

FIRE ACCIDENTS

465. Shri Vallatharas: Will the Minister of **Railways** be pleased to state:

(a) the number of fire accidents on the Indian Railways in the years 1952 and 1953;

(b) the safeguards adopted by Government to prevent such accidents in future; and

(c) the number of persons who died or were injured in accidents on the Indian Railways in the years 1952 and 1953?

The Deputy Minister of Railways and Transport (Shri Alagesan:) (a) The number of serious accidents, i.e., accidents by fire to trains carrying passengers attended with loss of human life and/or grievous hurt and/or damage to Railway property to the value of approximately Rs. 20,000 or over in each, was two each in 1952 and 1953 (up to date).

(b) The safeguards adopted include educating the travelling public about the serious consequence of—

(i) the carriage of inflammable substances such as petrol, cinema films etc. as luggage in passenger compartments, and

(ii) discarding lighted match sticks or burning cigarette or bidi stumps inside the compartments,

by displaying warning notices in English and regional languages, exhibiting pictorial posters, etc. prominently in selected places at important stations and in train compartments, and by wide publicity through news papers and Railway Time Tables;

Rendering fireproof the material used in the vestibules and coaches, especially in upper class compartments;

Provision of ash trays in upper class compartments;

Eliminating or reducing as much as possible the use of inflammable material used in the construction of some Rail Cars;

Provision of spark arrestors in passenger train engines;

Improving the design of roof construction of certain types of multiple unit stock to provide greater immunity from the effects of fire due to electrical faults etc.;

Instructions to staff not to smoke in the vicinity or inside luggage vans when loading or unloading parcels;

Provision of adequate number of Fire Extinguishers in trains and their proper maintenance and so on.

(c) The number killed and injured in the accidents referred to in the reply to part (a) was as follows:

	Killed	Injured
1952	1	15
1953 (up to date)	5	16

CENTRAL GOVERNMENT EMPLOYEES' UNIONS

466. Shri Vallatharas: Will the Minister of **Labour** be pleased to state the number of the Central Government employees' Unions which have been granted the Trade Union status so far?

The Minister of Labour (Shri V. V. Giri): It is presumed the hon. Member requires information regarding

unions of Central Government employees which have been granted recognition by Government. This information is being collected and will be placed on the Table of the House in due course

RAILWAY TICKET EXAMINERS

467. Shri Ganpati Ram: Will the Minister of **Railways** be pleased to state:

(a) the total number of Ticket Collectors and Travelling Ticket Examiners working on the Northern Railway; and

(b) the number of Scheduled Caste Ticket Collectors, Travelling Ticket Examiners and Guards?

The Deputy Minister of Railways and Transport (Shri Alagesan:) (a)

Ticket Collectors	1,187
Travelling Ticket Examiners.	654
(b) Ticket Collectors:	23
Travelling Ticket Examiners:	11
Guards:	15

ALL-INDIA CROP COMPETITION PRIZES

468. Shri Bibhuti Mishra: (a) Will the Minister of **Food and Agriculture** be pleased to state the criterion for awarding All-India Crop Competition prizes, and the certificate of *Krishi* Pandit?

(b) Are the prizes and the certificates of *Krishi* Pandit awarded to the competitors of all crops or to certain main crops only?

The Minister of Food and Agriculture (Shri Kidwai): (a) All India Crop Competition prizes and certificates of *Krishi* Pandit are granted to the individuals who obtain the highest yield per acre amongst the competitors competing for the specified crops.

(b) The prizes and certificates are awarded only for six crops *viz.* (1) paddy (2) wheat (3) potato (4) gram (5) *jowar* and (6) *bajra.*

HINDI ADDRESS LETTERS

469. Shri Muniswamy: Will the Minister of **Communications** be pleased to state:

(a) whether it has come to the notice of the Government that letters addressed in Nagri Script are often sent to the Dead Letter Office in the Madras city;

(b) whether Government have taken any steps to remove such difficulties: and

(c) what steps Government propose to take in the matter?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) A few cases have come to the notice of Government.

(b) Yes.

(c) Transcription Centres having staff knowing Hindi have been opened to prevent such articles from being consigned to Dead Letter Offices and delayed thereby.

चीनी

४७०. **श्री बादशाह गुप्त** : क्या **खाद्य तथा कृषि** मंत्री यह बताने की कृपा करेंगे कि १९५३ में अब तक किन किन देशों से कितने कितने मूल्य की चीनी आयात की गई है ?

The Minister of Food and Agriculture (Shri Kidwai): The total cost of 2·5 lakh tons sugar purchased so far for import into India, including import duty, port trust and clearing charges, works out to Rs. 17·17 crores.

LOCOMOTIVES

472. Shri Jethalal Joshi: (a) Will the Minister of **Railways** be pleased to state the number of heavy goods locomotives that have been manufactured in Chittaranjan locomotive factory from January to September 1953?

(b) How many of them have been put on the track for use?

(c) What is the average speed and cost per locomotive?

The Deputy Minister of Railways and Transport (Shri Alagesan:) (a) 38 locomotives.

(b) 21 locomotives.

(c) The goods engines usually run at speeds between 30 and 45 miles per hour.

The average cost is taken at Rs. 5·35 lacs per locomotive (excluding development expenditure which will be spread out over some hundreds of units).

पंजाब के एम्पलायमेन्ट एक्सचेंज

४७३. **डा० सत्यवादी** : क्या श्रम मंत्री यह बताने की कृपा करेंगे :

(क) गत वर्ष म पंजाब के एम्प्लायमट एक्सचेन्ज कार्यालयों] कितन व्यक्ति रजिस्टर हुए और उन में हरिजन : कितने थे;

(ख) कितनों को नौकरी दिलाई गई और उन में हरिजन कितने थ; तथा

(ग) इन कार्यालयों म कितने कुल कर्मचारी हैं और उन में भंगियों को छोड़ कितने हरिजन कर्मचारी ह ?

The Minister of Labour (Shri V. V. Giri): (a) and (b). A statement is placed on the Table of the House. [*See* Appendix IV, annexure No. 78.]

(c) The total number of employees is 209. The number of Scheduled Caste is not readily available.

PAY SCALES OF *ex*-P. & T. EMPLOYEE

474. Shri T. B. Vittal Rao: Will the Minister of **Communications** be pleased to state:

(a) whether any decision has been arrived at in regard to grant of Central scales of pay to *ex*-State Posts and Telegraphs employees with effect from the 1st April, 1950;

(b) if not, when a decision is likely to be arrived at; and

(c) whether Government are aware that under the terms of the Covenants entered into, Government are obliged to grant Central scales to *ex*-State employees with effect from the date of federal financial integration?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The decision of the Government announced in their Press note dated 21st March, 1950 is still in force a copy of which is attached. [*See* Appendix IV, annexure No. 79.]

(b) Certain representations have been received in the matter and are being examined by Government.

(c) No. The obligation of Government under the agreement entered into with the State Governments, is as follows:—

> "The permanent staff wholly (or substantially) engaged on work connected with "federal" subjects in States on the prescribed date should be taken over by the Centre in appropriate grades and *upon terms not less advantageous than in the service of the States.* Temporary staff so engaged should also be similarly absorbed so far as possible, having due regard to their suitability."

ASSISTANT MEDICAL OFFICERS

475. Shri M. L. Agrawal: (a) Will the Minister of **Railways** be pleased to state how and by whom the selection for the posts of Assistant Medical officers is made in the Railways?

(b) When was the last selection of Assistant Medical Officers in the Northern and Eastern Railways made?

(c) How many candidates were called for interview in each of the above two zones?

(d) How many were selected in the two zones respectively?

The Deputy Minister of Railways and Transport (Shri Alagesan:) (a) By duly constituted Selection Boards who consider cases of all persons considered suitable for promotion on the basis of their Confidential Reports and relevant data concerning them and put up their findings in the form of recommendations to the General Manager.

(b) On 2rd August, 1953 and 17th February, 1953 respectively.

(c) 23 and 21 respectively.

(d) 5 and 6 respectively.

LOANS TO AGRICULTURISTS

476. Shri Gadilingana Gowd: (a) Will the Minister of **Food and Agriculture** be pleased to state the amount of loan given to the Madras State for giving loans to agriculturists to purchase tractors or other agricultural implements under the "Grow More Food" scheme during the year 1953-54?

(b) What amount has been drawn by the State and given to agriculturists as loans?

(c) Are any conditions imposed for granting loans to agriculturists and if so, what?

The Minister of Food and Agriculture (Shri Kidwai): (a) No, Sir.

(b) and (c). Do not arise.

NEW ROADS IN TRIPURA

477. Shri Dasaratha Deb: Will the Minister of **Transport** be pleased to state:

(a) whether Government propose to open a new road connecting Kailashahr—Kumarghat and Kailashahr—Fatikroy in Tripura;

(b) if so, the estimated sum for that purpose; and

(c) whether the preliminary work has been undertaken so far?

The Deputy Minister of Railways and Transport (Shri Alagesan:) (a) and (c). Yes, Sir.

(b) Rs. 8·23 lakhs, approximately.

SILT UNDER RAILWAY BRIDGES

478. Shri H. S. Prasad:
Shri Bishwa Nath Roy:

Will the Minister of **Railways** be pleased to state:

(a) whether the attention of Government has been drawn to the fact that owing to choking of the river beds under the railway bridges around the pillars, flood troubles have been aggravated, specially in the Eastern Districts of Uttar Pradesh; and

(b) if so, whether Government propose to clear silt accumulated under the railway bridges?

The Deputy Minister of Railways and Transport (Shri Alagesan:) (a) No such cases have been reported to Government so far.

(b) Does not arise.

देहाती डाक घर

४७९. **श्री रघुनाथ सिंह** : क्या संचरण मंत्री यह बताने की कृपा करेंगे :

(क) २००० या उस से अधिक जन संख्या वाल क्षेत्रों में खोले गये देहाती डाकघरों में से कितन घाट पर चल रहे हैं ; तथा

(ख) १९५२-५३ में इन से कितनी हानि हुई है ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 10,824

(b) Separate figures of loss on post offices of the category, referred to in part (a) of the Question, are not available. The loss incurred on *all* experimental post offices in 1952-53 was a little over Rs. 17,58,000.

THE Date: 25.11.2015
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

HOUSE OF THE PEOPLE

Wednesday, 16th December, 1953

The House met at Half Past One of the Clock

[MR. DEPUTY-SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

2.30 P.M.

LEAVE OF ABSENCE

Mr. Deputy-Speaker: I have to inform the hon. Members that I have received the following letter from Shri Bharat Lal Tudu:

> "I have the honour to inform you that as I am down with fever since the commencement of this session of Parliament I am not in a position to attend the meetings of this session.
>
> I pray that you be kind enough to grant me leave of absence for the whole of this session."

Is it the pleasure of the House that permission be granted to Shri Bharat Lal Tudu for remaining absent from all meetings of the House till the end of the present session?

Leave was granted.

ELECTION TO COMMITTEES

(1) CENTRAL SILK BOARD (2) COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE

Mr. Deputy-Speaker: I have to inform the House that the following Members have been elected to serve on the Central Silk Board and the Council of the Indian Institute of Science, Bangalore, namely,

I. Central Silk Board

Shri N. Rachiah.

II. Council of the Indian Institute of Science, Bangalore

Shri G. R. Damodaran.

PAPERS LAID ON THE TABLE

AGREEMENTS BETWEEN THE RESERVE BANK OF INDIA AND STATE GOVERNMENTS

The Deputy-Minister of Finance (Shri M. C. Shah): I beg to lay on the Table, under sub-section 4 of section 21 and sub-section 2 of section 21A of the Reserve Bank of India Act, 1934, a copy of each of the following papers:—

(i) Amendments to the Principal and Subsidiary agreements between the Reserve Bank of India and the Governments of Part 'A' States (except Madras and Andhra), with effect from the 1st April, 1953.

(ii) The Principal and Subsidiary agreements between the Reserve Bank of India and the Governments of Part 'A' States (except Madras and

[Shri M. C. Shah]

Andhra), as they now stand amended.

(iii) Amendments to the Subsidiary agreements between the Reserve Bank of India and the Governments of Madhya Bharat and Travancore-Cochin, with effect from the 1st April, 1953.

(iv) Subsidiary agreements between the Reserve Bank of India and the Governments of Madhya Bharat and Travancore-Cochin, as they now stand amended.

[*Placed in Library. See* No. S-210/53.]

STATEMENT *re* SUPPLEMENTARY DEMANDS FOR GRANTS FOR 1953-54 (P.E.P.S.U.)

Shri M. C. Shah: I beg to present a statement showing Supplementary Demands for Grants for expenditure of the Patiala and East Punjab States Union for the year 1953-54.

[*Placed in Library. See* No. S-211/53.]

SUPPLEMENTARY STATEMENT OF EXPENDITURE FOR 1953-54

Shri M. C. Shah: I beg to present a Supplementary statement of expenditure of the Central Government (excluding Railways) for the year 1953-54.

[*Placed in Library. See* No. S-212/53.]

SPECIAL MARRIAGE BILL—*contd.*

Mr. Deputy-Speaker: Now the motion on the Special Marriage Bill.

Dr. Lanka Sundaram (Visakhapatnam): Sir, with your permission I desire to draw your attention and also the attention of the hon. Members to the manner in which the order of business as laid down in the Order Paper is being frequently altered. You will not have failed to notice, Sir, that during the past 48 hours as many as three changes were made in the order of business at the instance of Government, incapacitating hon. Members from properly exercising their rights of discussion of the items involved. There can be no doubt, Mr. Deputy Speaker, that the House will not do its duty to the country by delaying all the legislative and other business brought by the Government. I feel that by such changes hon. Members will not be able to participate fully in the debates. I will appeal to you, Sir, that at least in future such frequent changes are not made.

Shrimati Renu Chakravartty (Basirhat): Since the original resolution was withheld by Maulana Abul Kalam Azad, the same resolution has been circulated to us. Naturally, there was no time to put forward any amendment up to this time. Therefore I did come to you, Sir, with an amendment. This resolution has been already presented to the House and it is being taken up now. Therefore, I would like to know what is the procedure; what should we do; whether our amendments are likely to be allowed to be moved or will be debarred.

The Prime Minister and Leader of the House (Shri Jawaharlal Nehru): So far as this resolution is concerned, the matter was postponed till today. There is no question of withholding or changing or varying anything. It is coming up again for consideration. Unfortunately, I was not here during the last two days and I have not been intimately acquainted with the changes. Obviously, on some matters changes became essential because of something that happened in the House. For instance, this particular matter, this motion about the Special Marriage Bill was postponed and something else had to be shifted. After that there was the resolution in the name of the Home Minister for a discussion of the Report of the Commissioner for Scheduled Castes and

Scheduled Tribes. At the desire of the Members of this House it was postponed again for two days. It was not Government's desire to postpone it at all. Many Members of this House, especially those belonging to the Scheduled castes wanted to postpone it. Government acceded to their wish in this matter. The natural consequence was that other matters on the agenda paper had to be taken up. So, really to some extent, Government has been compelled by circumstances. They had no desire either to postpone the first matter or the second matter. Inevitably, Sir, when previous matters are postponed others come up for discussion.

Shri V. G. Deshpande (Guna): Previously, two Bills when they were being discussed were postponed indefinitely. Last time when the Ancient Monuments Bill was being discussed, I was on my legs when the discussion closed for the day. I did not know when it came up again some 8 or 10 days later. Yesterday we were discussing the Minimum Wages Bill, and today we find that we do not know when that Bill will come up again. Thus the Bills are being postponed in this manner.

Mr. Deputy-Speaker: So far as yesterday's work is concerned, the two Bills had been included in the agenda. As the hon. Leader of the House has suggested, they had to be taken up owing to the previous resolutions being postponed with the consent of all parties in the House, to accommodate them, so that they may come to some conclusion or come prepared with the matter better.

Now, regarding the amendment sought to be moved today. There is no change in the old resolution. The matter was only put off and was not withdrawn and it is now coming up in the usual course. Unless the Government is willing to accept the amendment, I am not willing to waive notice.

Shri K. K. Basu (Diamond Harbour): May I know when the Minimum Wages Bill will be taken up again. As hon. Mr. Deshpande said, let us be sure about the other items as to when they would come up. Will it come up at least immediately after this resolution.

Shrimati Renu Chakravartty: May I point out another thing, Sir? When certain things were postponed, Government had recognised that there were some flaws and that there was some reason for postponing them. We naturally thought that the Government party would consult us. We had not brought in amendments, at least my party had not brought in amendments. We did not know what was going to happen. We thought that the Government would consult us. But, now we find that the same thing has come up after postponement. Naturally, I think it would be right on the part of Government and yourself to accept that our amendments be moved, so that they may be before the House and they may be considered.

منسٹر آف ایجوکیشن اینڈ نیچرل ریسورسز اینڈ سائنٹیفک ریسرچ (مولانا آزاد): جناب میں نے اس دن جو تحریک کی تھی وہ صرف یہ تھی کہ اس وقت یہ معاملہ ملتوی کیا جائے اور ۱۶ تاریخ کو پیش ہو - اگر آنریبل ممبر نے کچھ اور نقشہ اپنے سامنے رکھا ہو تو اس کی ذمہ واری مجھ پر نہیں ڈالی جا سکتی -

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[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): Sir, the motion that I made that day was simply to the effect that the issue might be put off for the present and that it should come up on the 16th. If the hon. lady Member had some other plan in view I cannot be held responsible for that.]

Shrimati Renu Chakravartty: Postponement means that there is something wrong somewhere.

Mr. Deputy-Speaker: The hon. Member is taking a curious exception to the procedure. On that day, I was here and the hon. Speaker was in the Chair. The resolution was moved and every amendment was allowed to be moved and then a discussion took place. Nobody prevented the hon. Member or any Member of her party from tabling amendments which she wants to move today. There is no change that has taken place except that for the purpose of consideration this has been adjourned from that day to this day. I cannot reopen it now, and offer opportunities for the hon. Members who have already spoken to offer their remarks with respect to these amendments. Therefore I am not going to allow the hon. lady Member to move any amendment. There was no doubt or misapprehension regarding the procedure. There is nothing new which is brought in now which necessitates an amendment.

We will now proceed with the discussion of the matter. Has the hon. Minister got to make any submission?

The Minister of Home Affairs and States (Dr. Katju) *rose—*

Shri S. S. More (Sholapur): Are we discussing any point of order, Sir?

Mr. Deputy-Speaker: I am asking the hon. Minister whether he has anything to say.

Shri S. S. More: Will it not be better if some of us are allowed to press our points of order?

Mr. Deputy-Speaker: Let us hear the hon. Minister. The other day the hon. Minister said that this matter may be adjourned for the purpose of considering the matters that were placed before the House at that stage.

Dr. Lanka Sundaram: Sir, the other day Mr. Chatterjee was on his legs.

Mr. Deputy-Speaker: The hon. Minister had not made any speech. If he wants he may make any submission at this stage because it was postponed.

An Hon. Member: Sir, the hon. Law Minister is not here.

Shri Jawaharlal Nehru: Sir, my colleague the Law Minister is in the other House. He cannot come here because he is in charge of a Bill in the Council of States and he is actually piloting it. He has asked his colleague the Home Minister to be in charge. He might be coming in the course of the day.

Mr. Deputy-Speaker: Does the hon. Minister want to speak now?

Dr. Lanka Sundaram: May I raise a point of order, Sir?

Dr. Katju: My hon. friends who desire to intervene in the debate may do so.

Mr. Deputy-Speaker: I wanted to know whether he wants to say anything. As a matter of fact, Mr. Chatterjee was on his legs and was in possession of the House.

Dr. Katju: I thought that Mr. Chatterjee had finished.

Dr. Lanka Sundaram: The Parliamentary Bulletin says that he was on his legs.

Dr. N. B. Khare (Gwalior): It is announced in the Parliamentary bulletin. It appears that the hon. Minister does not read those bulletins.

Shri P. N. Rajabhoj (Sholapur—Reserved—Scheduled Castes): On a point of order, Sir. पहले शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स रिपोर्ट पर डिस्कशन होने वाला था, लेकिन यह नहीं हुआ, हालांकि आज के लिये प्रामिज किया था । इस के बाद आप ने मि० चैटर्जी को खड़ा कर दिया है । मैं हर वक्त खड़ा होता हूं, लेकिन आप मेरी बात नहीं सुनते । मैं चाहता हूं

कि चूंकि आज नेहरू जी भी बैठे हुए हैं इसलिये इस को ले लिया जाय और इस पर बहस हो ।

Mr. Deputy-Speaker: Order, order. So far as the hon. Member's point is concerned, the manner or order in which the business will be taken up is in the order paper. If there is any objection, I suggest it might go to the Business Advisory Committee. Now, as it has been mentioned in the order paper, we will go according to the order paper.

श्री पी० एन० राजभोज : यह कैसे होता है मैं यह पूछना चाहता हूं । मुझे बोलने का, डिप्टी स्पीकर महोदय, समय मिलना चाहिये ।

उपाध्यक्ष महोदय : अभी नहीं मिल सकता ।

श्री पी० एन० राजभोज : इस के लिये पूरा एक दिन मिलना चाहिये । यह टाइम आप को नहीं लेना चाहिये । मुझे इस का जवाब मिलना चाहिये ।

Mr. Deputy-Speaker: Mr. N. C. Chatterjee.

Shri N. C. Chatterjee (Hooghly): Mr. Deputy-Speaker, I ought to remind the House that I was discussing the legality of the motion moved by the Law Minister. If you look at the order paper, the motion seems to be, on the face of it, very innocuous—

> "That this House concurs in the recommendation of the Council of States that the House do join in the Joint Committee of the Houses on the Bill to provide a special form of marriage in certain cases...."

Unfortunately for this House, the entire Resolution passed by the Council of States was not placed before the Members. That ought to have been done and it leads to misapprehension. I ought to remind the hon. House that in that recommendation or decision of the Council of States, the Resolution runs as follows:—

> "That the Bill to provide a special form of marriage be referred to a Joint Committee of the Houses consisting of 45 Members...."

Then it says that they will nominate 15 Members from the Council of States and that 30 Members should be nominated by the House of the People. Then it says that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of Members of the Joint Committee. What is most objectionable and what I maintain is repugnant to our Rules is the next clause which says that "in all other respects, the Rules of Procedure of the Council of States relating to Select Committees shall apply with such variations and modifications as the Chairman may decide." That means that not the Rules of Procedure of this House with regard to Select Committees, but the Rules of Procedure framed by the other House shall apply. Not only that. The Chairman of the other House shall have complete power to alter, modify, vary or amend in any way those Rules of Procedure. That, I maintain, is not proper and it is treating this House with scant courtesy, which ought not to be accepted.

You know, Sir, that under rule 60 of the Rules of the Council of States, the chairman of the Select Committee shall be appointed by the Chairman of the Council from amongst the members of that Committee. Now, that is against our Rules. When we had a Joint Committee before, our Speaker appointed the chairman. That is very important, because very important functions, powers and duties are assigned to the chairman. He has got to deal with points of procedure, points of order, points of privilege; not only that; in case of doubt or dispute, the matter has got to be referred to somebody. Under our Rules, the Speaker has got the final authority in this matter. That power of the

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Speaker is being taken away in this manner by a side-wind "that in other respects, the Rules of Procedure of the Council relating to Select Committees shall apply". That is not proper. In the case of important Bills, you have got to send for members and the question of production of witnesses, production of documents, etc. is there and in all these matters there may be differences and disputes and those things have got to be decided by somebody. Under our Rules, the sole authority is the Speaker. The Speaker, therefore, has been placed on a special pedestal, and I think the House will be stultifying itself and stultifying the position of the Speaker if we accept this motion without any amendment.

Really, Sir, proper rules ought to have been framed and those rules ought to have been placed before the House. After the House has debated, after the House has considered them and after the House has approved of them, you could think of passing a Resolution like this. Look at our Rule 74. It is not merely a question of technicality. I am emphasising that Rule 74 of our Rules of Procedure says "Motions *after introduction* of Bills". If and when a Bill is introduced in the House, then a motion can be moved for a reference to a Select Committee of the House or reference to a Joint Committee of the two Houses. There is no Bill, there has been no introduction, there has been no consideration, there has been no opportunity of discussing whether the introduction should be allowed or not, and still, by some kind of curious procedure, we have been asked to consent to a Joint Committee. This is clearly repugnant to our Rule 74, the condition precedent being introduction of the Bill in this House. If necessary, the House, at that stage, has got the right to throw it out. Once it is accepted, then only this motion is relevant. I am submitting that this is clearly repugnant to that Rule and it is not a question of technicality, but it is a question of the privilege of each and every Member of the House. These Rules have been framed under powers given by the Constitution and they have statutory force under the Articles of the Constitution. They are as much part of the Constitution as the Articles themselves. Under the Rules, there are safeguards for each and every Member. These rules, are framed for the purpose of ensuring the powers and privileges of the House but also for protecting all the Members of the House from the vicissitudes of party politics, that is, they shall not be subjected to play of party whips or domination of one party, over another. This is to safeguard the interests and privileges of each and every Member. Therefore they should not be cast to the winds in a light-hearted manner. What will be the position of the Select Committee, if formed before introduction? The Bill is not before the House, the Bill is not on the order paper and the Bill is not introduced, and therefore there is no chance of considering the principle of the Bill. At the same time you are sending some Members to the Joint Committee of the other House. Does it mean that you are committed to the principle of the Bill? Does it mean that we have got to accept the principle of the Bill? I am not going deliberately into the question of merits or demerits of the Bill now. There may be Members who have been saying that this point of order is good or quite correct, but they may be supporting the Bill on merits. Some may be opposing the Bill on merits. Let us not confuse the merits with the question of procedure, with the question of the legality of the Joint Select Committee. What I am saying is that it will not be right to consider this Motion. In Australia they can do something like that. With regard to England, the procedure is different—and I read out one passage—and I have further considered the matter. According to the latest edition of May's Parliamentary Practice, the practice is not to nominate any members if the House of Lords wants to have a Joint Committee. What the

House of Lords does is this. They first of all send a message to the other House and inform them that they desire to have a Joint Committee appointed and they desire the concurrence of the House of Commons. If the House of Commons concurs in that Resolution, then they send a message to that effect to the House of Lords, and then the House of Lords appoint a Committee of certain members and send a message to the House of Commons and requests the House of Commons to appoint a number of members to join the Committee appointed by the House of Lords. I also told you, Sir, that on this point in England it is regarded as discourtesy to the House of Commons if the House of Lords appointed a list of members and forwarded the names.

It will not be quite right to refer to May's Parliamentary Practice, because in England, so far as I know, there is no rule corresponding to our rule 74. There is no rule there which says that the introduction of the Bill is the condition precedent to the entertainment of a motion to refer the Bill to the Select Committee. That is not there. Then, Sir, in England, there are provisions to the effect that the procedure of a Joint Committee may follow the procedure of the Committee of the House of Lords, but that is not our procedure. That is not our practice. Why should we blindly follow English procedure and practice when our Constitution has deliberately placed the House of the People on a higher pedestal, when the Speaker has been given special powers and privileges which have not been given to the Speaker of the House of Commons?

Then, Sir, if we accept the hon. Mr. Biswas' motion, we accept another portion of the recommendation to the Council of States. The Council of States resolution is that the Bill shall be reported to the Council of States. So, the report of the Joint Committee goes to the Council of States. In England, Sir, it is entirely a different procedure. It goes to both the Houses. I think, Sir, it is only right that the leader of the House—I am glad that he is here today—should have taken into confidence the Rules Committee, sat down with them, discussed the matter, framed the rules, and got them passed by both the Houses. Then, we could have a Committee like this, but it is entirely irregular and unconstitutional at this stage.

Then, Sir, I am told that there is some analogy for this in the Australian Constitution. I have considered it very carefully. In Australia, in every message proposing to the House of Representatives the appointment of a Joint Committee, the Senate will state the number of senators to be appointed. It will first appoint a Committee, then the number of senators is fixed and they are appointed, the quorum is fixed and the time and place of the first meeting is given, and the Senate will then take up the matter. But what I am pointing out is this, that our constitutional set-up is entirely different. If we look at our Constitution, there is a special provision under article 108....

Mr. Deputy-Speaker: I am afraid all this was said the other day.

Shri N. C. Chatterjee: I am only pointing out this, that there is no provision in the Australian Constitution corresponding to article 108. Article 108 clearly says that in the joint session, the Speaker shall preside. There is no such provision in the Australian Parliament. There is no such provision in the British Constitution either. We are governed by our Constitution which is a paramount, organic law and it is binding on all of us, and so long as that law is there, we should not circumvent it. That shows that even when a Joint Committee is appointed and all the 750 Members of both the Houses sit together, even then, the Speaker is dominant. His is the main voice determining everything. Therefore, Sir, I should request the Leader of the House seriously to consider whether the Government should not accept the position candidly—that there has been a misconception of the entire procedure, an irregularity has been committed and

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there should be no repetition of such a motion like this. The rules in respect of Joint Committees should be framed without delay and they should be placed before the House for approval and it should be made clear that—even if it is forced down by a majority, or a party whip—in no event does it mean the adoption of the principles of the Bill. The introduction stage must come before this House, and this House shall have the right to discuss the report. It is in a peculiar position in which we are now placed. The other House will have the right to discuss, not we. They will have the right to amend or throw it out, not this House. And then later on, some day it will be presented, and then only we could take cognizance of it. I submit that this is entirely irregular and is repugnant to our rules and the spirit of our Constitution.

Mr. Deputy-Speaker: A point of order was raised, so far as this matter was concerned, by Dr. Lanka Sundaram. After that point of order, Mr. Chatterjee has spoken now. So far as that matter is concerned, we have spent a lot of time. I would allow hon. Members to speak, but I would like to limit the time within which they must confine their points. Then, after the point of order is disposed of, the House may consider what more has to be done with respect to the motion. Now, so far as the point of order is concerned, are we discussing the motion as a whole?

Dr. Lanka Sundaram: If you will look into the records of the proceedings, you will see that the hon. Speaker ruled that mine is a motion seeking to substitute the motion of the hon. Law Minister, and he permitted a debate on this, on procedural, constitutional basis, keeping aside the merits of the Bill. That is the position—not a point of order. We are not discussing a point of order.

Mr. Deputy-Speaker: Then, so far as the competency of this House to go into this matter of appointing a Committee is concerned—that point will be discussed: and the merits, if any, will be discussed later. So far as that matter is concerned, I will allow ten minutes for each hon. Member.

Shri S. S. More: Within the time allotted, I will very hurriedly advance my points on the question that has been raised. I may state the point of order straightaway. In spite of my great sympathy for the principles embodied in the original Bill, with which I whole-heartedly and entirely agree, my point is this. The real point is not regarding the merits of the particular measure, but the procedure that we are following in order to give sanction or approval of this House. May I submit that by moving this particular resolution, the Law Minister in charge, and the Council of States, by passing that particular resolution, have committed a serious mistake or have made a serious inroad on the exclusive powers of the President himself. This is a point, Sir, which will cover entirely a new ground. May I refer you to article 108 of the Constitution? It is the President, Sir, who can decide when the Joint Committee of both Houses can meet and under what circumstances. It is also the sole prerogative of the President to frame the necessary rules for such a joint sitting. I refer you now to article 118(3).

Mr. Deputy-Speaker: This is not a joint sitting of the Houses.

Shri S. S. More: Sir, under article 118, each House can decide the rules of procedure. Under sub-article (2), when the House has not decided any rules of procedure, during the period of transition, the gap has to be covered, and the Speaker of this House is empowered to frame certain rules by modification, adaptations, etc., of the original rules that applied to the provisional Parliament, and the Chairman of the Council of States is also equally empowered to make necessary adaptations and modifications. Now, beyond

that we go. I shall read sub-article (3) of article 118:

> "The President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Houses."

Now, as far as the Constitution is concerned, it is absolutely silent regarding the constitution of joint committees by both the Houses. For instance, take the standing orders. The Standing Orders of the House of Commons—Order No. 38, lays down that when a Bill originates in the House of Commons, the House of Commons, along with the other motions, can move that the Bill be referred to a joint committee of both the Houses. But that procedure is the product of conventions. They deal with those matters on the basis of a long tradition and usage and slowly, by practice, it becomes the beacon-light for the future generation. But as far as we are concerned, we are at the very beginning of our democracy, and as far as usage is concerned, our slate is absolutely blank.

An Hon. Member: Clean.

Shri S. S. More: Yes, clean. I accept the correction. The real question is, the powers, privileges, of the Houses of Parliament as prescribed in article 105 of our Constitution are modelled according to those obtaining in the United Kingdom. In framing our pattern of the Constitution, as a matter of fact, the constitution-makers were more influenced by the particular form of parliamentary democracy which was prevailing in the United Kingdom. On certain occasions, they deviated from that procedure where it could not be applicable to us, but as a matter of fact, the practices prevailing in the British Parliament, in the United Kingdom, have become the basis and foundation of our parliamentary constitution and structure. So, can we go to the Parliamentary precedents, as adopted in the United Kingdom, where we have not followed those provisions in our Constitution? But the object with which they framed our Constitution—article 105—was that whenever there is no mention of any rules, powers, privileges, etc., those powers, privileges, etc., as they obtain in the House of Commons shall be the powers and privileges of the Members of this House.

3 P.M.

I do not wish to cover the same ground which has been covered by my hon. friend Mr. Chatterjee, but I wish to point out that as far as Joint Select Committees are concerned the procedure is entirely different. Take for instance the suggestion made in the Resolution passed by the other House that the total membership of the Committee will be forty-five of which thirty would be from this House. Now, what is going to be the quorum? As far as we are concerned, we have framed rules of procedure of Select Committees appointed by us under sub-clause (2) of Article 118. But these rules do not give us any power to control the proceedings of a Joint Committee. Neither the Speaker of this House nor the Chairman of the other House was competent to frame such rules. Such rules, if framed, will have application to the other House and no Speaker can legislate for the Council of States; nor can the Chairman of the Council of States, howsoever eminent may he be, legislate for this House. Therefore, the President comes in. So, this conflict has to be resolved under Article 118, clause (3).

Sir, I am not approaching this problem from the point of view of superiority of this House or of the other House. I do not consider that they are on an equal footing. But there are many who contend that they have equal status. Accepting that logic, certain precedences have come to this House. Take for instance a joint sitting of the two Houses. The Constitution does not leave it to the President to decide who shall preside over

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such sitting. He can frame rules regarding other matters. But it is definitely laid down that at a joint session of the two Houses, the Speaker shall preside. Then again, in regard to money Bills, the Speaker has the unchallengable right to certify whether a Bill is money Bill or not and his decision shall be final. A Chairman of the Council of States, though he may disagree with the decision of the Speaker cannot challenge it.

Spinning out my argument from Article 118 (3), my contention is that when it refers to joint sittings it refers to the joint sittings of the parent body; *ipso facto*, it also refers to the joint committees which are the creatures of the two Houses. It is only natural that all of us have a sense of dignity. It is a human weakness for us to feel that we are superior. The Members of the other House may reciprocate the same feeling. Who then is to sit in judgment? We are not competent to decide on our own superiority; nor are they competent to say that they are superior in this particular matter. When our senses of superiority come into conflict, then some machinery has to be devised for resolving this conflict. I submit it is the function and privilege of the President to sit in judgment over both Houses and say: here are the limits of your jurisdiction, here they end, and the jurisdiction of the other House begins. So, I rely on this Article 118.

Sir, our Constitution—I do not mean any disrespect to it—was patterned on so many things. In our effort to borrow from different countries, certain lacunae have been left in the whole Constitution; some crevices are there which will have to be filled in by subsequent amendments. This is one of the lacunae left in the Constitution itself. On the principle of interpretation of statutes, I feel that while regarding the parent bodies certain provision has been made in the Constitution and power has been given to the President, regarding the children of the parent bodies the same practice ought to prevail to hold the scales even.

Now, what the other House has done is this. They have appointed a Committee to which they have nominated members. Not only that, they have also laid down procedures for the Joint Committee. Now the Members of this House are amenable to the rules framed by the Speaker. The other House has no right to frame rules for us.

On account of the short time available at my disposal, all that I wish to point out is that Article 118 is the deciding article in this matter and it is to the President that we should refer this dispute. As a matter of fact, he will consult the Speaker of the House; he will also consult the Chairman of the other House and evolve a procedure which will be suitable to our temperament. We need not go after precedents from England, because the practices there are the products of a peculiar national tradition and of a long struggle. As long as we have not passed through those struggles, we cannot imbibe the spirit in which their practices have been modelled and arrive at a conclusion. Therefore, I say, this is not a matter which is within the domain of this House or of the other; it pertains to a sphere which is kept exclusively within the prerogative of the President, as laid down in Article 118(3).

Shrimati Renu Chakravartty: I should in the very beginning point out that the occasion on which this constitutional crisis has come about is in connection with a very important Bill. The history of that Bill has been that its progress has been stalled for years almost. Even after this Parliament came into being, in the Upper House when this measure came up there were certain Members who tried to stall it by raising certain issues as to whether the Upper House could debate a measure which involved some financial commitments. Therefore, Sir, it

is in this background that this entire question has to be viewed.

There is no doubt, Sir, that there are certain constitutional difficulties. And it is just here that I cannot appreciate the attitude adopted by the Leader of the House or the Deputy Leader of the House. It was definite that there were certain constitutional difficulties for which the matter was postponed. Yet, they could not call all the other parties in this House, tell us quite frankly: "This is our attitude, these are the reasons why we have done it, we want your opinion." I do not think the Leader of the House was prepared for that. That would have helped them in many ways to find some sort of a solution to get out of this constitutional difficulty without exaggerating the rights of either House to such an extent as to stall this progressive legislation. Therefore, I feel that all this trouble has arisen on account of the attitude taken by the majority party in this House. We have seen how the work of this House is being carried on, how excuses have been made that some Members of this House wanted the postponement of some discussion and the agenda is chopped and changed. It is stated that at the request of certain Scheduled Caste members this was done, but it is a patent fact that where the ruling party has such a huge majority the opinion of its Scheduled Caste members would prevail and it was quite possible to ascertain their opinion. In that case it is but natural that we should have been given timely notice. Again and again we have been put in this position. We come to this House prepared for some Bills; suddenly some other Bills are brought forward and we cannot properly discuss them. That was what happened yesterday too.

Therefore, if we have to function properly as a House, both sides of the House have to be taken into confidence and certain exchange of opinion has to be made. That was why my party did not put certain amendments on the first day. We wanted to hear many of our friends here and watch how they were going to argue th case. When we found that Govern ment themselves were abandoning th issue, we thought that some sort of round table conference would tak place. Many of us are anxious tha this Bill should go through. We d not want a progressive measure o this type to be stalled for a minut longer on account of some constitu tional or procedural difficulties.

But when we found the motion o the Order Paper which came to us las night, naturally we rushed togethe discussed the matter with all th seriousness at our command and cam to certain conclusions. We do fee very strongly that the majority part has been at fault in not drawing u rules of procedure for joint selec committees. It is their duty to se that the legislative machinery work properly. At the same time, out o fear that this Bill might be shelved as it has been shelved again an again, we thought that we might pro pose a compromise, a compromise onl once. We want to make it clear tha it should not be treated as a precedent but for this once; because there is history behind this Bill, we woul welcome some sort of rules whic would guide the proceedings of th joint select committee composed o Members of both Houses. The ques tion of the two Houses is not of ou doing. We do not stand pledged t a bicameral legislature. But you have brought it into being. When Parliament consists of two Houses it is only right that we should co-operate with each other and find out how we could act together in the interests of the people.

Because there are certain defects in the way legislation has gone through, in the way the rules of procedure have been drawn up, we thought that at least for this once we would suggest a sort of compromise that this Joint Committee should function according to rules drawn up in accord between the Chairman of the Council of States and the Speaker of this House....

Dr. Lanka Sundaram: No.

Shrimati Renu Chakravartty: Let me proceed. You had your say. We heard you in patience, and I think I have every right to put forward my point.

Therefore I also suggest that the presiding officer of the Joint Committee should be agreed upon by the Chairman and the Speaker, because both the Speaker and the Chairman have come into existence with the support of the ruling party. They can agree, and after all they could draft these rules.

It is only in this way we feel that we will be, in this one instance, able to get through this Bill. Otherwise what is the consequence? If today we have to draw up the rules of procedure, it will take a couple of days. After that it has to be discussed in this House, and then it has to be discussed by the Upper House. The sum total of it will be that the entire question will be shelved again this session. And it will not come in the next session which is heavily booked for budget discussions. This is the sum total. Therefore all that we very categorically state is that the entire situation has been brought about because of the failure of the Government and because of the Leader and the Deputy Leader. We feel in the circumstances some sort of compromise should have been brought forward instead of just bringing the same resolution as was postponed at the instance of the Deputy Leader. With these few words I would like to put our position before the House.

Shri U. M. Trivedi (Chittor): Sir, on a point of information. I would like to put one question before the Prime Minister speaks. The question is only this much. Does this motion mean that we Members of the House of the People are precluded from expressing our opinion whatsoever for the benefit of those of our Members who will go into the Select Committee, and are we to sit as mummies?

Mr. Deputy-Speaker: On the merits of the Special Marriage Bill?

Shri U. M. Trivedi: Yes.

Mr. Deputy-Speaker: We were discussing the procedure first.

Shri Jawaharlal Nehru: Mr. Deputy-Speaker, I am full of admiration of the vigour and animation, devoid of all sense, that can be put forward by the hon. Member opposite. I admire her vigour in this matter and the enthusiasm she shows but, as often for a wrong cause.

I really have been trying very hard to understand wherein I or my colleague have erred in this matter. The hon. Member referred to a grave constitutional crisis and to something happening and something not happening. What has happened? I say the resolution that has been put forward is simple, logical, absolutely correct. (*Interruption*). We have also, apart from our poor knowledge of law, legal advice. I cannot of course take up the legal niceties of lawyers. But I do submit to this House that if they consider this matter coolly they will see that there is absolutely no desire to by-pass anybody or not to consult anybody. Members opposite or any one. But it never struck me that there was a bit of a doubt about it. Maybe I was wrong, maybe I am limited in outlook or I did not think of it. But it did not strike us that there was the slightest doubt about this. And therefore we put up a simple resolution.

There is no doubt about it if I may say so, that a joint select committee is provided for in our Rules, Constitution, etc.

Some Hon. Members: No.

Mr. Deputy-Speaker: Order, order. There is a reference to joint select committee.

Shri Jawaharlal Nehru: There are references all over the place. I do not mean to say that a joint committee can be imposed on either House. Of course not. But provision is made

for a joint select committee. If so, no interpretation which puts an end to that provision, which makes it impossible of being held can be a correct interpretation.

A Bill can originate in this House or in the other House. And if a joint select committee is to be had, then in the House in which it originates—in that House—steps must be taken for the joint select committee. It is then open to the other House to agree or not to agree. That is obvious. But the House in which the Bill originates remains seized of that Bill; the other House is not seized of it except in so far as it agrees or does not agree to send Members to that joint select committee.

Now, I am not going deeply into that matter. I do not wish to take time which other Members might. My colleague the Law Minister or the Home Minister will deal with it. I intervened because there is so much being said about rules being framed and the rest. Well, certainly have rules framed. But hon. Members must see that there are certain rules already and, as it happens, the rules of the Council of States and the rules of this House are, practically speaking, identical in regard to select committees

Shri S. S. More: But not joint select committees.

Shri Jawaharlal Nehru: There are no rules for joint select committees. But a joint select committee is also a select committee. By adding the word "joint" it does not become anything other than a select committee. The only question that might arise in this matter—the rest is perfectly clear, the rules are there—is who should be the chairman of that committee.

Shrimati Renu Chakravartty: The rules are not there.

Shri Jawaharlal Nehru: Rules are there for select committees. They are identical rules. If there is a joint select committee the only question that might arise is who should be its chairman.

Shri S. S. More: Sir, the Leader of the House says that there are rules. Suppose the joint select committee functions with fifteen Members from the Council of States and thirty Members from this House, what about the quorum? What constitutes the quorum? Will there be a separate quorum for each group?

Mr. Deputy-Speaker: All this was said. Let the Prime Minister go on.

Shri Jawaharlal Nehru: Sir, obviously it functions as a single committee, not as two groups meeting with separate quorums. Let us have the most detailed rules, comma, full-stop, semi-colan and all that. I have no objection. (*Interruption*). There is a certain confusion due to the fact that hon. Members have not really looked into the matter and they have been led away by the specious logic of an able lawyer like Mr. Chatterjee. I might say he argued the case in which I am sure there was nothing to believe. But he is an able lawyer and he can put forward a case....

Dr. N. B. Khare: The Prime Minister himself is an able lawyer. Why does he not answer it?

An Hon. Member: He is not the Law Minister.

Shri Jawaharlal Nehru: I submit that there can be, obviously, a joint select committee under the Constitution and the Rules. In order to have a Joint Select Committee, only that House in which a Bill is introduced can take the initiative. Obviously, the other House cannot, because it has nothing before it to take the initiative. That House, whichever it may be, takes the initiative and says: we should like to have a Joint Select Committee. That House then approaches the other House and says, we will be very glad if you are good enough to join the Select Committee, or put it as you like. The other House may agree or may not agree. But, the originating House is seized of the Bill; the other House is not seized of the Bill at all till it finally comes, passed by the other House.

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Therefore, all this argument is rather pointless, because the other House is not seized of the Bill. It is wrong to say, if I may submit my opinion, that by agreeing to the other House...

Dr. N. B. Khare: How can you marry without there being a bride?

Mr. Deputy-Speaker: Let there be no interruption. Let us be more serious about this matter. So much of discussion has taken place. Let this matter be decided.

Shri Jawaharlal Nehru: The hon. Member's intervention on this occasion at least is rather helpful. I do not know whether he wants that the bride should have two husbands or the husband should have two wives. We object to both, I may tell him.

Dr. N. B. Khare: As many wives as he can provide.

Shri Jawaharlal Nehru: It is obvious therefore that the Joint Select Committee can neither have two fathers nor two mothers. It must deal with one House. The Members of the other House are invited to help, to co-operate in the fullest measure, in fact, not only to co-operate, but dominate the scene, because of their number. That is a different matter. So that, you cannot have a Joint Select Committee except when it is responsible to the House which is seized of the Bill, because the other House is not seized of the Bill at all, except when it finally comes up. It is a matter of convenience. The two might consider together so as to save time, and get the best judgment out of a number of selected people from both the Houses, from the report.

Therefore, I do submit, if I may repeat, that there can be a Joint Select Committee under our Constitution: there is no doubt about it. Secondly, the House where the Bill is originated, requests the other House to participate. The other House may or may not participate. Nobody can force any House to participate. But, if it participates, it participates by sending Members, still on the assumption that the other House is seized of the Bill. It participates without committing itself to the general principles of the Bill, because, they have not been discussed in the other House. How can you say that they have committed themselves without discussing? That is a perfectly legitimate argument. Therefore, when you consider a Bill in a Joint Select Committee, the report should be to the particular House which is seized of the Bill. They do not report to the other House.

Shri S. S. More: What is your authority for this particular statement?

Shri Jawaharlal Nehru: Which statement?

Shri S. S. More: That the report of the Joint Select Committee will be submitted to that House: is there any procedural authority?

Mr. Deputy-Speaker: That is the motion.

Shri Jawaharlal Nehru: The authority is, if I may say so in all humility, commonsense.

Shri S. S. More: No, Sir. I am sorry; in the U.K. they have a lot of commonsense in the matter of procedure.

Mr. Deputy-Speaker: This kind of interruption does not help any one. The hon. Prime Minister has been saying that the Bill originated in the other House, that it is open to them to appoint a Select Committee or a Joint Select Committee, that they are seized of the Bill, that it is open to this House to consent or not, that if it consents, it will be naturally subject to the jurisdiction of that House and the report has to be sent to that House. All this, he has been saying categorically.

Shri Jawaharlal Nehru: It can only report to the House which is discussing the Bill. It cannot send the report to the House which has not considered the Bill even in the initial stages. It has no meaning.

The only matter which is not clear in this matter, although I think there is no doubt about it, is as to who should be the chairman of the Committee.

Shrimati Sucheta Kripalani (New Delhi): That is the least part.

Shri Jawaharlal Nehru: I do submit that there can be only two ways of having a chairman. One is for the initiating House, whether the Speaker or the Chairman, to appoint a chairman or in the alternative, one may have the convention of the chairman being elected by the Committee itself. It is a possibility. The hon. Member Shri N. C. Chatterjee referred to the Australian procedure. Why he quoted from Australia, I do not know. I know nothing about the Australian Constitution; nor has anybody been influenced by it. Nor do we go to Australia for precedents. Even according to our own Constitution, we have been referring to the procedure in the British Parliament. That procedure is more or less the same as I have detailed just now. That is, either House can initiate and the other House may or may not accept. They nominate equal number of Members. That is neither here nor there. There, the Joint Select Committee selects the chairman. That is a possible procedure which one may have. I think it would be rather odd for one House to be seized of the Bill and be dealing with it and for the Chairman or Speaker of the other House to assume the responsibility and burden of appointing the chairman and issuing instructions, when that House is not seized of the Bill. You will be putting him in an embarrassing position. Of course, it may be desirable that whether it is the Speaker or the Chairman, in regard to a Joint Select Committee, he may consult the head of the other House in appointing the chairman. I think that was possibly the intention, I am not quite sure, of the proposed amendment of the hon. Member opposite. It would be quite feasible and proper. But, it would not be right to tell them to do so. It is a matter of convention that the one may consult the other and appoint the chairman. As a matter of fact, there is no harm at all in that. If I may put this case before the House, if this House desires to have a Joint Select Committee, we send a request to the Council of States that we should like some of their Members to join the Committee and they accept it. Well, our Speaker then naturally appoints the chairman. There is nothing to prevent our Speaker from choosing the chairman from the other House. In fact, there is a case in which he chose the chairman from the Members of the other House. We have had two Joint Select Committees already. In both these cases, the initiative was taken by this House. This is the first occasion when the initiative is being taken by the other House. There appears to be no reason why the same convention should not apply to the other House. It should be open to the Chairman of the Council of States, if he so chooses, if he likes, after consultation with the Speaker or without it, to choose one of the Members recommended by this House for the Joint Select Committee as chairman. I quite agree that it would be desirable for all these things to be put down in black and white, for our guidance, for the guidance of both the Houses, to prevent any misunderstanding or dispute arising. That should be done. That is a matter really for the Speaker and the Chairman. I think in some matters they have done so. Actually, for instance, in the matter of a Joint Session, they have consulted and framed certain rules and the President has issued them. That can be easily done, if there is any doubt. I do wish to assure the House,—if I may say so, the hon. Member opposite has rather hurt me by accusing me in this particular matter—I may be guilty in other matters—of ignoring the Members of the Opposition—this is not a party matter. Obviously, it has nothing to do with our party or any party. This is a matter of both the Houses. We do not deal with this matter in any party sense at all. We want to maintain the prestige of this House and the

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other House too. They are parts of the structure of Parliament. I do submit that we should find ways and means of the closest co-operation between the two Houses and not try to interpret rules and frame rules which might lead possibly to friction. Each House, within the terms laid down in our Constitution, is independent. If there is a sense of hostility between the two Houses, both suffer as Parliament is an organic whole.

Therefore, I do submit that our approach should be a friendly approach, consistently with the Constitution of course. There is no question of our going beyond that. But in this particular moment at no moment did it strike me that there was any doubt about this interpretation. We discussed it. We consulted our lawyers. They said it is perfectly clear and therefore we put forward a simple Resolution—an identical resolution, if I may remind the House, such as was adopted in this House twice. We have had two Joint Select Committees, and nobody raised any objection then. Now, this Resolution is quite identical, excepting that this Resolution emanates from there, and the other two emanated from the House of the People. We are just following a convention that has been laid down. Nobody objected then. It came as a great surprise to me that objection was taken here. What I am pointing out is it is absolutely no intention of mine to ignore any opinion.

And then, day before yesterday, when this matter came up, the moment I came back it was over then; I was told that this Resolution had been postponed for two days. My colleague had said so. Nobody even then suggested that there was going to be any change in the Resolution or anything else.

Dr. Lanka Sundaram: May I ask for a clarification from the Leader of the House on two very important points? I will state them very briefly.

The Leader of the House just now said about a Rule being framed. I dare say he is aware of the fact that the other House sent its draft Rule 80-A—exactly the rule which it wants to make now. And you were, Sir, the Chairman of the Rules Committee, and you know what exactly happened. Will he re-commit it to the Rules Committee now? There is still time.

And the second point is, once a new Rule is framed, then this motion can be taken up. I am not trying to indulge in dilatory tactics. It is a matter of merits because the entire gamut was gone through by the Rules Committee.

Shri Jawaharlal Nehru: The hon. Member referred to certain draft Rules sent by the Rules Committee of the Council of States to the Rules Committee of this House. They were accepted subject to three or four points that this Rules Committee raised. As a matter of fact there was only one point raised—others were, for instance, saying that this will not apply to financial Bills. Of course, another point was about quorums. There should not be separate quorums. Certainly, we should not have separate quorums. That is to say, the sole point of difference,—I won't say difference because the matter was not considered; it was a draft put forward and a draft reply; nobody has had time to consider the matter further—really the only point for further consideration for the moment is the question of the chairman. There is no other question at all, because the Rules for normal Select Committees apply, and as I have said the Rules are indentical—the House of the People Rules and the Council of States Rules. There can be no dispute about indentical rules, but the question of the chairman certainly is there. and I have submitted what I have to say about the chairman.

I will just repeat that we have followed in this matter the identical procedure that has been followed in this House when a Joint Select Committee was formed. Twice it has been

done, and on one of these occasions, while this House initiated this procedure, our Speaker actually appointed a Member of the Council of States, whose name came from the other House, as chairman of that Committee. So, it was really surprising that when we follow what we have already done there should be so much misunderstanding or feeling that this is something new, that a grave constitutional crisis has been created.

Mr. Deputy-Speaker: In view of the statement clarifying matters raised on one side or the other, is it necessary to pursue this matter?

Shri S. S. More: It has only been mystified.

Shrimati Renu Chakravartty: May I ask one question? On one occasion he says that there is necessity for certain rules to be set down. On the other hand, he says there is no necessity because the Rules are identical. Therefore, are we to have a set of Rules, or will we be just guided by certain conventions from time to time?

Mr. Deputy-Speaker: He has said the existing rules are enough.

Shri Jawaharlal Nehru: I have said about one particular matter, about the chairman, there is no rule. In regard to other matters there is no difficulty at all, but it is a good thing for this matter to be considered by the Speaker and the Chairman, so that formally things may be put down, and there might be no misunderstanding. I say "identical" after referring to that Rule and this Rule and other papers that people have referred to. Let us have it all together. It is desirable to put it down, but at the present moment there is no difficulty. I would have liked the Rules to be there, of course, now, but I do not think there is any major difficulty in going ahead now. Later, let them be put down, and I will certainly request the Speaker and the Chairman to meet and settle this—or their Rules Committees as the case may be.

But there is no difficulty, and I am anxious more particularly in the matter of this Bill that there should be no further delay. Really, if I may confess, we suggested this Joint Committee some time back because we thought that will save time. Sometimes the so-called shortest cut takes a longer time, because if we had not suggested this, this would probably have been passed by the Council of States by this time and this Bill would have come up here, but because of these objections raised and other things, it has been hanging there and it is hanging here, and I am not sure it is the shortest way of dealing with matters in the future.

Shri G. S. Singh (Bharatpur-Sawai Madhopur): May I ask for one clarification?

Mr. Deputy-Speaker: I will ask one or two representatives to speak.

Shri G. S. Singh: May I ask one point of clarification from the Prime Minister? I am not a lawyer. He said that this House is not seized of the contents of the Bill, therefore the Members are not seized of the contents of the Bill. The Members who will go to the Joint Select Committee are supposed to express the opinion of the House. How will they be able to express the opinion of the House, if they are not seized of the contents of the Bill?

Mr. Deputy-Speaker: We will go to the other portion. I will call one or two representatives, Mrs. Sucheta Kripalani and one or two others to speak with respect to this matter, if further clarification is necessary.

Shrimati Sucheta Kripalani: I do not think I have to assure you that we are as anxious as the Leader of the House to see that the Bill is passed as expeditiously as possible. We equally support and accept the principles of the Bill. At the same time, we are really not against the Joint Select Committee as such, but our objection

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is about the procedure that has been adopted. I am afraid the explanation that the hon. Leader of the House has given does not clarify the position any more for us. It may be true that we are lacking in commonsense, but with the sense we have we are not able to get any further clarification from the statement of the Leader of the House.

I think a constitutional impropriety has been committed in the procedure that was adopted and it is not the Members of the Opposition alone who took this view. It was more than obvious on the 14th that there was unanimous opinion about this. The speeches were first initiated from the Congress ranks. I do not know what the opinion of the Congress Members would be today after they have had a discussion in the Party and after they have received a whip. But I feel that when such a large number of Members hold that a constitutional impropriety has been committed, it shows that there is some lacuna or flaw in the position as it exists.

Then the hon. Leader of the House has said that the matter is simple, there are no difficulties. The only difficulty is about the chairman. To my mind that is the least part of the difficulty. There are two difficulties which are disturbing me. Number one is that we have not accepted the principle of the Bill, how do we go into the Select Committee? The procedure laid down in the Constitution in passing a Bill is that first we accept the principle, then it goes to the Select Committee, then it comes for detailed consideration; then the third reading. How do we square the procedure when adopted with the procedure laid down? We are not seized of the Bill, but we go to the Select Committee for discussion.

The second difficulty to my mind is that the Select Committee will report to the Council. The Council of States will bring in necessary amendments, will pass it and after that the Bill will come to us. Then, after we have sat in the Select Committee, after we have finished the second stage of discussion, we come back to the first stage of discussion. I am not a lawyer. As I said, Members of the Opposition cannot boast of their brains, but we fail to understand this strange procedure. We feel there is some great procedural flaw in the methods we are trying to adopt

I would also draw your attention to the fact that Constitutions are not only written down. Constitutions are evolved from day to day, they are build up by tradition. Therefore, it is very necessary that we should be meticulously careful in regard to procedural matters. We cannot brush aside procedural matter as something not of great importance. It is of very great importance to see what decisions we take today, how we proceed, so that in future it becomes a matter of guidance. Therefore, I would like to emphasize the fact that in spite of the arguments put forward by the hon. Leader of the House, we feel that a constitutional impropriety is there, as has been ably placed before the House by Shri N. C. Chatterjee. It is a matter of surprise that the rules have not yet been framed. Article 118 (3) of the Constitution reads:

> "The President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Houses."

This is the only reference to a joint sitting in the whole of the Constitution. One and a half year has elapsed since this Parliament came into existence, and yet we find that these rules have not been framed. I understand—if I am not wrong—that last time when a Bill was referred to a Joint Select Committee, the Members of the Upper House did raise an objection, but somehow or other, the

matter was brushed aside, and the Joint Select Committee met. So, again and again when the same constitutional difficulties are arising, it is time that we frame our rules, and put matters on a proper footing.

That is all that I want to say.

Dr. N. B. Khare: I am rather mystified by the hon. Prime Minister's exposition. If the position is so simple as that depicted by him,—I want to know from you, Sir,—why was the discussion of this motion postponed the other day? There was no need for any postponement.

Shri Sarangadhar Das (Dhenkanal-West Cuttack): May I seek a clarification from the hon. Prime Minister? The hon. Leader of the House explained that this House is not seized of the Bill yet, and yet hon. Members of this House will go on the Select Committee, and as Shrimati Sucheta Kripalani stated, it would be passed by the Council of States, with some amendments. After that, when it comes to this House, will this House be entitled, if necessary, to send it to a Select Committee of its own?

Shrimati Sucheta Kripalani: That is a good point.

Shri Jawaharlal Nehru: After a Joint Select Committee has reported, you cannot have another Committee on the Bill.

Shri Raghavachari (Penukonda): I wish to say it is most unfortunate that Government have taken up a position by introducing this motion, which is opposed to the Rules and the Constitution. The hon. Prime Minister stated that he depends upon two main grounds. The first is that precedents have already happened, this House has called upon the other House to join in a Joint Select Committee, and they have joined. The other argument that he has given is that there is a mention of Joint Select Committees in the Rules of this House as well as in those of the other House. Therefore, the precedents and the mention of Joint Select Committees in the Rules of both the Houses are sufficient, according to him, to ignore the constitutional impropriety, and the other circumstances that have now been urged against this motion.

So far as the precedent is concerned, I would at once submit that the precedent is no doubt there. But it cannot be justified on the ground that the other House had not objected to it. It is an illegal procedure that was adopted, and the precedent cannot justify that illegal procedure. Simply because we asked them, and they agreed, and the matter has gone on, now, are we bound to accept when they ask us to join? There is no question of reciprocating the same way. It is purely a question of doing things legally and constitutionally. So, when this House has raised an objection, and hon. Members have urged many arguments in favour of that objection, I would say, it would not do simply to argue like a lawyer speciously, but you had better catch the essence of the point. It would not do to say: Is it not provided under the Rules that a Joint Select Committee can be there? It is, but it arises, only after the Bill is introduced in this House, its principle is accepted, and so on. Therefore simply to say there is mention of Joint Select Committees in the Rules is no argument. When a point arises, that a thing is not in conformity with the rules, whoever may raise the point, you cannot cavil at him, you cannot be angry with him, and you cannot call him names, but you must certainly solve the situation; and the best way of solving the situation, as the hon. Leader of the House has also conceded is first to frame the rules; and those rules can be framed. Under the Constitution, until the rules are framed, if any rules are inconsistent with one another, it will be the Rules of the Dominion of India's Legislature that will prevail. There was no such thing, because there was only one House at that time; but now the other House is also there. So, when any Rule has to be made, which is applicable to both the Houses, it is the President that can do it, after consulting the Speaker of this House

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and the Chairman of the Council. Irrespective of the authority which has to do it, and irrespective of the procedure that it has to adopt, you do not even want to respect and honour the precedent in the British Parliament, which was read out by Shri N. C. Chatterjee; and you want to ignore all these improprieties, without solving the problem. The only way out would be first to regularise the Rules, and then introduce this Bill.

As I said earlier, it is most unfortunate that a Bill on which most parties are agreed, and in regard to which most Members are anxious that it should be passed, should have been delayed so long, and as the hon. Leader of the House has stated, though there was an anxiety to gain time, still it has actually resulted in the loss of time, because a Joint Select Committee is to be appointed, and all this will necessarily take time. I would, therefore suggest that the rules should be regularised as expediously as possible, and the proper procedure followed, rather than an irregular procedure forced on the House, mostly depending upon—I might be pardoned to say, the question of prestige also comes—the fact that we have started the thing, and we shall get through it with our majority. I think such a course is most unjust and unfair, so far as the rights of the House are concerned, more so, when it is inconsistent with the Constitution and the existing set of Rules.

Shri Frank Anthony (Nominated—Anglo-Indians): I have listened with some attention to the hon. Leader of the House and may I say that I am almost in entire agreement with him? I think that it is unnecessary and rather a waste of time for us to get into the agitated subject about who should be the chairman, or who should not be the chairman of a Joint Select Committee. The only point which has struck me is this, that while it is perfectly all right, if a Bill is initiated in the Upper House, for that House to send down a motion for a Joint Select Committee, I do think that there should be some qualification to this particular right to send down a motion for the appointment of a Joint Select Committee. I do not think it would at all be exceptionable, if this was done, where the Bill is not of a fundamentally controversial character. What, I think, is worrying the hon. Members of the House is this, that although there may not be any intention behind this motion from the Council of States, yet, in fact, this Bill is one which is of a highly and fundamentally controversial character, and that by adopting this procedure, the effect is that this House is shortcircuited in its capacity to give full expression to its point of view. That, I think, is the point at issue. I do not think we are opposed to this principle of a Joint Select Committee. I for one am not over-agitated about who the chairman should be, but I do think it would be salutary, if we subscribe to this convention that where a Bill is of a controversial character, this procedure should be adopted, that it may be considered in a particular House first, that House may appoint its own Select Committee sand then pass it, afterwards when it comes to the other House, they also appoint their own Select Committee, and in this way you get the fullest expression of opinion, and there will be no feeling among Members that there has been some attempt to shortcircuit a certain point of view which may not be held by Government. That is the only point that I wish to underline.

Sardar Hukam Singh (Kapurthala-Bhatinda): Sir, I fail to appreciate the argument that has been advanced by my hon. friend Shri Frank Anthony. We cannot have different procedures in the case of Bills which are controversial, and others which are non-controversial. Certainly we shall have to formulate a procedure that might be adopted in either case, whether the Bill that comes before us is of a controversial nature or not. When we have heard all these arguments from various hon. Members, we shall have

to admit that there is a lacuna in our Rules of Procedure.

Though a Joint Select Committee is envisaged, the procedure is not provided—what procedure they would follow when such a Committee is appointed. Therefore, we are at a loss here to clearly follow the procedure that is most apt in such cases. So far as our rules provide, unless the introduction stage is passed, we cannot discuss it, we cannot subscribe to the view that we cannot have anything to do with it. If certainly those rules are to be followed—which we have at present and have been following so far—then we cannot subscribe to the view that we should join at this stage.

Another argument has been given by the hon. the Prime Minister, that we would not be committed to the principle; we would not have been seized of this Bill at all. If that be the case, then the old English law, the English procedure that was just read out by Mr. Chatterjee, ought to have been followed. Instead of the Council of States appointing a Joint Select Committee and sending it on to us with that established fact that we should join in it, a request should have been made prior to that stage and an enquiry made whether we would agree to join that Committee if that is appointed. That would have been the apt procedure in that case. And even now there is no option. Either that procedure followed in the British Parliament should be adhered to and the Council of States should send in a request without making an appointment of the Committee and sending those names to us, or if that is not possible—now they have gone to that stage—then the only choice is that we here shall have to adhere to our rules. Those rules have to be followed and this House cannot accept any other procedure, unless subsequently the Speaker and the Chairman both meet and formulate some rules for the guidance of the Joint Select Committees that are constituted. Therefore, the only course that is left to us now is to wait for a few days—two or three days—and let the rules be made which we can act upon. It is not a matter of ordinary significance and there is no desire on the part of any Member to adopt any dilatory methods. We do not want to retard the progress of this Bill; perhaps we might be more anxious to have it seen through than others who are supporting this Motion. But certainly we want that the procedure that is set down in our rules should be followed strictly so that such bad precedents might not be made for future.

Dr. Katju: Mr. Deputy-Speaker, after the Prime Minister's speech, there is really not much to be said. But may I clear one point at the very outset? I am not approaching this question from a purely party point of view. I have, to the best of my ability, considered it as a matter of law and constitutional procedure, keeping in view the position which this House occupies. We all know now, the particular privileges which are vested in this House. I don't propose to waste your time by referring to our exceptional position in regard to financial matters, in regard to money Bills and the responsibility of the Council of Ministers to this House. But keeping that all apart, there can be no doubt whatsoever that in the remaining legislative sphere, the position of the two Houses is equal, and the Constitution says that, Both of them can make their own rules and the Bills cannot be introduced at one and the same time in both Houses. They can only be introduced in one House at a time. Then, after it has passed through that House, it is transmitted to the other House and the other House, deals with it. If it concurs, then it goes to the President; if it does not concur, then the matter is at large, and then neither the Chairman of the Council of States nor the Speaker can deal with it. The Constitution then steps in. The Bill being at large, both the Houses having dealt with it separately, the Constitution says that there should be a joint sitting and we have the usual procedure.

Now the point is that the Bill being at one place for the time being,

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only that House can deal with it and that House is familiar with it. Take your own rules. I believe rule 74 says that, after introduction, as Mr. Chatterjee pointed out, one of four motions can be made—consideration, eliciting public opinion, Select Committee and Joint Select Committee. It is not then laid down as to what is the procedure to be followed when a Joint Select Committee will be appointed.

Shri Raghavachari: It is provided, Sir.

Dr. Katju: Now, I come to this. When you come to the passage of the Bill, then you transmit it to the Council of States. In the same way, when the Council of States transmits the Bill to you, then in rule 146 and the preceding rule 145, there are two clear points, clearly laid down. The Council of States may have appointed a Joint Select Committee, but when the Bill comes before us, then rule 145 says that it shall be laid on the Table and then a motion shall be made for its consideration and the principle of the Bill and its general provisions may be discussed. I wish to emphasise this because some hon. Members raised this point, namely, when we have become party to the Joint Select Committee, what about our right to discuss the general principle? Now, 145 clearly preserves that. Then you come to the second, and I emphasise rule 146 because there you will see that the right of the Council of States to appoint a Joint Select Committee is clearly recognised. It is not as if it is only the House of the People which can appoint a Joint Select Committee. You yourself recognised in your rules that a Joint Select Committee can be appointed by the Council of States. The rule is this:

> "Any Member may (if the Bill has not already been referred to a Joint Select Committee of both the Houses...) move as an amendment that the Bill be referred to a Select Committee..."

Now, this clearly shows that the House was aware of this contingency.

Shri S. S. More: There is no word 'select' there, no Joint *Select* Committee. It is only 'Joint Committee'.

Dr. Katju: This is what the rule says...

Shri S. S. More: Please read it.

Mr. Deputy-Speaker: The hon. Minister may go on. His interpretation is that it is a Joint Select Committee.

Dr. Katju: This is the rule. It is a Joint Committee. (*Interruption*).

This is just like Mr. More, interrupting for no reason whatsoever. Are you dreaming of some Joint Committee other than a Joint Select Committee?

Shri S. S. More: It is not a question of dreaming.

Dr. Katju: Well, the Council appoints a Joint Committee—a Joint Select Committee. If you go to the rules of the Council of States, the procedure is identical—the same. When a Bill is introduced there, then one of four motions may be made—consideration clause by clause, or eliciting public opinion or Select Committee or Joint Select Committee.

4 P.M.

Now my submission to you is this. It is not a question of dignity or prestige; or of our being very big people and they very small people. They are completely equal. When we appoint a Joint Select Committee and when we ask the other House to come and send us names for association with the Joint Select Committee, under our rules we clearly say that the Joint Committee is appointed by us, in this sense, namely, our Speaker appoints the chairman, and the proceedings are guided by that chairman. Please remember that under our Rules, the Joint Select Committee reports to us. Please remember further that it is open to the Minister in charge or to the Private Member in charge that he may withdraw the Bill altogether and

thus make all the labours of the Select Committee completely infructuous, because it is a Select Committee and not the House itself. The House in the open session may discard every single recommendation of the Select Committee and may go back.

Shri S. S. More: With this majority.

Dr. Katju: Supposing you take a Joint Select Committee and supposing I accept Mr. Chatterjee's argument that in a Joint Select Committee appointed by the Council of States, the chairman shall be appointed by the Speaker of this House and every single power should be given to this chairman, and so on and so forth, the report will not come here and that is quite clear. As the rule stands, the report will not come here; it will go to the Council of States. I do not know how it may be presented. It may be open to the Council of States, if they so desire to disagree with every single proposal that might have been made by our 30 representatives there. To take another line altogether, because the Bill is before them, they are possessed of the Bill, they are seized of the Bill and they pass the Bill, we will be dealing with it in a formal manner when it is transmitted to us. After passage, it is on our Table and under Rule 145, we discuss the principles and give them an order very different from theirs. I respectfully submit,—Mr. Deputy-Speaker, as I said, I am speaking as a lawyer and you may take it for whatever it is worth,—I do not appreciate all these objections. Supposing the two Houses make rules for the Joint Select Committee, it is all right, but today the position is that there are no rules. Now who is appointing the Joint Select Committee? The Joint Select Committee is being appointed by the Council of States. When we appoint a Joint Select Committee, it is our Committee and our rules which will apply. Do you mean to say that at present to a Joint Select Committee, which is appointed by us, our rules should apply, but to a Joint Select Committee appointed by them, somebody else's rules should apply?

Shri S. S. More: There should be some common rules.

Dr. Katju: I accept that, but today there are no common rules. What is to be done?

Shri S. S. More: Frame them. You did not raise this point when you appointed your Joint Select Committee last time.

Mr. Deputy-Speaker: The hon. Member will kindly address the Chair.

Dr. Katju: I am a very sensitive individual, Sir. I don't understand the great bogey raised by Mr. Chatterjee. It is arguments like Mr. Chatterjee's which really sometimes baffle or confuse one, as people say that lawyers confound reason or make the better appear the worse reason. The matter is quite clear. There is nothing to be said about it. There is the Joint Select Committee. There is a request from the other House "Will you please come?" It is open to this House to say "We will not come". It might be that we might follow the House of Commons' example that before we send a Bill, we would make a formal request "Will you kindly associate with us?"

Dr. Lanka Sundaram: Why did you not do so now?

Dr. Katju: Today the difficulty is that that procedure has not been followed. I have not been able to appreciate the reasons which have been given, as if it is a question of inferiority or superiority or something very grave is going to be done if we go and sit there. We will be 30 in number and suppose the chairman of that Committee is appointed by the Chairman of the Council of States, our number will not be affected; our nominees will be able to record their opinion; the report will go; it will be considered by the Council of States on its merits and it will come to us. Please do not forget, Mr. Deputy-Speaker, as to what is the principle underlying all this procedure. It is a time-saving device, because Rule 146, which I read already, says that when

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you are considering a Bill which has been transmitted from the Council of States, you may appoint a Select Committee of your own, provided a Joint Committee has already not been appointed in that case.

Shri Raghavachari: It is an incorrect statement. The prohibition is that even when there has been an ordinary Select Committee of the Council of States, we could not have another Select Committee.

Dr. Katju: The Rule says "(If the Bill has not already been referred to a Joint Committee of both the Houses, but not otherwise) move as an amendment that the Bill be referred to a Select Committee and, if such motion is carried, the Bill shall be referred to a Select Committee..."

Mr. Deputy-Speaker: What Shri Raghavachari refers to is that this has been deleted now. The original rule was so much modified that now even in a case where in the other House it has been referred to a Select Committee, there is a prohibition. That has been admitted. It is only in cases where there is a Joint Select Committee that there is this prohibition.

Dr. Katju: The rule, as we framed originally, went further, namely, that if the Council of States had appointed a Select Committee of their own, limited to their own members, even then we could not have appointed a Select Committee there.

Mr. Deputy-Speaker: But the power is no longer there for the Council of States. Either you appoint a Joint Select Committee or you appoint your own Select Committee.

Dr. Katju: I submit, therefore, that so far as the legal or the constitutional position is concerned, the matter is quite clear. So far as the right to discuss the principles of the Bill is concerned, that right is reserved to you under our Rule 145. Of course, it is open to hon. Members to say "We will not go there." You may not give any reason whatsoever. You may treat this Bill just like prohibition and say "We will not go there." However, I do submit that this Resolution is perfectly sound and in accordance with the existing provision. There is no defect in it and all the dust which has been raised, namely, as to who should appoint the chairman of the Committee, must be decided, so long as the joint rules have not come into force or been framed yet, by the existing rules. You appoint a chairman of your Joint Committee not because you are superior but because it is your Committee. If they appoint a Joint Committee, if they take the initiative in constituting a Joint Committee, they will appoint its chairman. This is all that I have to say. So far as the question of merits is concerned, my respectful suggestion will be now that this debate has taken so much time already, if you take a decision, Sir, that there is no force in this point of order, we may straightaway appoint our thirty members and reserve the discussion when the Bill comes back again.

Dr. Lanka Sundaram: May I draw your attention to one point, Sir? The hon. Home Minister says we should adjourn discussion of this point and nominate our people—whatever it may be. But the Speaker announced a three-day debate on this particular motion. We have not even consumed one full day for it.

Mr. Deputy-Speaker: I understood the hon. Home Minister to say that on this point, there is no real objection to the jurisdiction of this House to concur with the appointment of the Joint Committee and suggest names. His suggestion is that, according to him, if the principle is not accepted or settled here, it may straightaway be sent to the other House, and the matter may be discussed after it comes back from that House. Therefore, the time of the House will be saved. That is a suggestion made by the hon. Home Minister. If the principle is not going to be finally settled here, the acceptance of the Bill one way or

the other, is not concluded by the acceptance of this resolution. But however much, or to whatever little extent does the House want to give approval to the wishes of the several Members before it is referred to the Joint Committee or before the names are suggested, six hours have been allotted by the Business Advisory Committee, out of which about 1½ hours have already been taken away—one hour and ten minutes the other day, and the rest today. Therefore, six hours minus one and a half hours—four and a half hours still remain. I have no objection to the discussion on the general principles,—as to whether the House should concur with this and appoint Members, suggest the names of Members,—being gone into.

Dr. Lanka Sundaram: As per your direction, no more procedural or constitutional aspect will be discussed?

Mr. Deputy-Speaker: It has been concluded. Both sides have been heard. I consider that the objections that have been raised have been answered. The only point that was raised was that under the Constitution, there is a provision for a joint sitting of both the Houses, but that provision is meant for the procedure after the Bill is considered by both the Houses. It is true that the Constitution does not allow any provision for a joint committee or a joint select committee, but it is provided for in the rules. The rules can be framed by the Speaker under the Constitution. No exception has been taken to the validity of the rules as to whether they are *ultra vires* or *intra vires*. I put the question specifically the other day but objection was not taken on that score. Therefore, under the rules, there is a provision for referring it to a Joint Select Committee.

The further objection that was raised was that the question of referring it to a Joint Select Committee arises only after the Bill is considered in this House. That, to some extent, appears to be going into the jurisdiction of this House, as to whether we can go into this matter at this stage or not. It is not a question of committing this House one way or the other, but is only a general indication of the opinion of the Members of this House. We have precedents on this matter. Already, on two prior occasions, some motions were carried by this House and sent to the other House. Precedents have to be created and conventions have to be developed in this way without prejudice to this House considering in detail the merits of the Bill later, and giving its own opinion—not concluding it by what is done today. Therefore, there is no harm in allowing this resolution to be discussed. Hon. Members may be aware that with respect to such matters on constitutional practice, where objection is taken to the jurisdiction of this House, the Chair has not taken the responsibility of deciding it by himself. He leaves it to the House. Therefore, without any more discussion on the validity of the procedure or the lacuna or otherwise,—that portion has concluded—on the merits of the motion if any hon. Member wants to say anything, I will allow time to the extent that is prescribed by the Business Advisory Committee.

Pandit Balakrishna Sharma (Kanpur Distt. South *cum* Etawah Distt.—East): While discussing the motion, will the House be perfectly entitled to discuss the merits of the Bill also?

Mr. Deputy-Speaker: Oh, yes. So far as this is concerned, I will limit the time to ten minutes. In some cases, of course, I might have to extend it to 15 minutes. I will distribute the available time.

Shri P. N. Rajabhoj: I should ask you one thing: What about the Report of the Commissioner for Scheduled Castes and Scheduled Tribes?

Mr. Deputy-Speaker: That is put on the agenda as the third item. Therefore, the hon. Member will kindly wait patiently.

श्री पी० एन० राजभोज : डिप्टी स्पीकर महोदय, यह कहा गया था कि आज डिसकशन होगा, इसलिये पूछता हूं कि कब होगा ?

उपाध्यक्ष महोदय : कल हो जायगा ।

श्री पी० एन० राजभोज : अब कब होगा मैं पूछता हूं ।

Mr. Deputy-Speaker: Hon. Member wants to go away from the House? The Hon. Member must sit till the end of the day and find out what will happen exactly. He should not have too many engagements. So far as this measure is concerned, it will go on till 5.30. There is another motion which will be taken up for discussion at 5-30.

Shrimati Renu Chakravartty: When we discuss this motion, we shall be discussing the principles of the Bill?

Is the procedural matter over?

Mr. Deputy-Speaker: Yes. The hon. Members can give suggestions generally on the principles of the Bill and the matter will go to the other House.

श्री बी० जी० देशपांडे : उपाध्यक्ष महोदय, विशेष विवाह विधेयक, १९५२, सदन के सामने रखने के विषय में आज सदन के नेता ने आप को बताया है कि राज्य परिषद् की इच्छा और हमारे कानून मंत्री की इच्छा यह थी कि यह विधेयक जितनी जल्दी हो सके उतनी जल्दी स्वीकार किया जाय । मेरी समझ में नहीं आ रहा है कि यह विधेयक इतनी जल्दी इस सदन से स्वीकार कराने की क्या आवश्यकता उत्पन्न हुई । आप को पता होगा कि यह कानून १८७२ का आज तक चला आ रहा है । करीब करीब ८० साल तक यह कानून होने के पश्चात्, आज इस के लिये इतनी जल्दी क्यों हो रही है । हम यह भी देख रहे हैं कि यदि पुराने कानून को ही संशोधन कर के आप के सामने रखना चाहते हों तो उस के लिये जल्दी नहीं है । जो लोग विशेष विवाह की विधि से अपना विवाह करना चाहते हैं उन के लिये यह १८७२ का कानून आज भी विद्यमान है । फिर उस के लिये आज यह आवश्यकता क्यों उत्पन्न हुई, उस के लिये कुछ कारण है । आप ने देखा होगा कि चार पांच वर्ष तक एक हिंदू दंड विधान, हिंदू दंड संहिता, हिन्दू कोड बिल, इस सदन के सामने आया था और आप ने यह भी देखा होगा कि सदन में उस के विरुद्ध बड़ा प्रक्षोभ उत्पन्न हुआ था । सदन के बाहर भी हम ने देखा था प्राइम मिनिस्टर के विरोध में जनता ने आवाज उठाई थी । पिछले निर्वाचन में जब कांग्रेस के और अन्य दलों के उम्मीदवार जनता के सम्मुख गये तब जनता ने उन को पूछा कि बताओ, हिन्दुओं के विवाह के बारे में आप क्या करने वाले हो । आप को यह भी पता होगा कि स्वयं इस सदन के नेता, इलाहाबाद में जब निर्वाचन के लिये खड़े हुए थे तब यह इलैक्शन का ईश्यू किया गया था और वहां स्वयं सदन के नेता ने बताया था कि हिन्दू कोड बिल, यह ईश्यू नहीं है, शायद पार्लियामेंट में यह आवेगा भी नहीं ।

यह होने के पश्चात् और जनता को एक प्रकार का विश्वास देने के बाद हिन्दुओं के विवाह में परिवर्तन करने का कानून यहां आ रहा है । वह कहते हैं कि यह जहर का डोज एक दम देने के बजाय हम उस की मात्रायें बना कर डिफरेंट डोजेज उस की दे कर यह विष देंगे । इसी कारण हिन्दू कोड बिल की जो बड़ी आपत्ति हिन्दुओं पर आने वाली है, उस आपत्ति का पहला हिस्सा कर के यह विधेयक इस सदन के सामने रखा जा रहा है । मैं आप को यह बता देना चाहता हूं कि यह जो विधेयक है यह केवल १८७२ का जो कानून है, उसी के लिये, नहीं रखा गया है। इस विधेयक में आगे जा कर हिन्दुओं की विवाह

पद्धति पर एक बड़ा भारी आक्रमण किया गया है और मैं इस सदन का ध्यान इस बड़े आक्रमण की तरफ आकर्षित करना चाहता हूं । वह पहला आक्रमण यह है कि आप इस की चौदहवीं धारा को पढ़ेंगे तो आप को पता लगेगा कि इस में क्या लिखा हुआ है :

Any marriage solemnized, whether before or after the commencement of this Act, other than a marriage solemnized under the Special Marriage Act, 1872 (III of 1872), or under this Act, may be registered under this Part by a Marriage Officer in India if the following conditions are fulfilled.

इस धारा का अर्थ यह है कि हिन्दू पद्धति से विवाह करने के पश्चात् भारतवर्ष में यदि कोई पति अथवा पत्नी चाहे तो रजिस्ट्रेशन अफसर के सामने जा कर अपना विवाह रजिस्टर करा सकते हैं । इस विधेयक में यह भी दिया है कि इस प्रकार से अपने विवाह को रजिस्टर कराने के उपरान्त डाइवोर्स का ऐक्ट उन पर लागू होगा और मुझे यह कहने में तनिक भी संकोच नहीं है कि इस बिल के पास हो जाने से हिन्दू विवाह जिस मूल भूत आधार पर रक्खा गया है, उस पर बहुत बड़ा आक्रमण होगा । अभी तक हिन्दुओं में विवाह को एक कंट्रेक्ट मात्र नहीं समझा जाता रहा है, हम उस को जीवन का एक आवश्यक और पवित्र संस्कार मानते हैं और उस के लिये मनुस्मृति के दूसरे अध्याय के ६६वें श्लोक में यह दिया हुआ है कि जिस प्रकार से एक बालक के लिये विद्यार्थी जीवन में गुरु के घर रहना और विद्यापार्जन करना महत्व रखता है और जिस तरह से बच्चे का उपनयन संस्कार होता है, उसी तरह का यह विवाह संस्कार है और हिन्दू मात्र इस विवाह संस्कार को एक बहुत पवित्र संस्कार मानता है और इस के सेक्रेड होने के कारण हिन्दू समझता है कि विवाह विच्छेद नहीं हो सकता । हिन्दू कोड बिल चाहता है कि इस हिन्दू विवाह का विच्छेद हो और इस मौजूदा बिल के द्वारा बैक डोर से विवाह विच्छेद को लाया जा रहा है । इस बिल के पास हो जाने पर जो लोग अपने विवाह को रजिस्टर करा लेंगे उन के लिये डाइवोर्स का विवाह विच्छेद का मार्ग खुल जायेगा । मेरा सब से पहला और मुख्य विरोध इस बिल से इस कारण है कि आप इस के द्वारा हिन्दुओं की प्राचीनतम और पवित्र विवाह संस्कार प्रथा पर कुठाराघात करने जा रहे हैं और उस की पवित्रता नष्ट हो कर वह एक पार्टीज के बीच कंट्रेक्ट मात्र हो कर रह जायेगा, इस में विवाह विच्छेद की अनुमति दे कर आप हिन्दू समाज को एक बड़ा नुकसान पहुंचाने जा रहे हैं ।

इस बिल के समर्थकों द्वारा बहुधा यह दलील दी जाती है कि This is a permissive legislation. इस विधान के द्वारा विच्छेद की अनुमति मात्र दी गई है और यह किसी पर जबरन लादा नहीं जा रहा है, जिस की इच्छा हो उस को ग्रहण करे अथवा न करे, लेकिन मैं आप को चेतावनी देना चाहता हूं कि ऐसा करके आप देश का बहुत बड़ा अहित करने जा रहे हैं । यह तो तर्क ठीक उसी प्रकार है जैसे आप यह कहें कि मैं कोई हर एक सदस्य से यह तो कहता नहीं हूं कि वह हाउस को जला दे, हां, अगर कोई उस को जलाना चाहता हो, तो मैं उस को इस की अनुज्ञा दूंगा, जिस तरह से हनुमान ने सारी लंका को जला डाला, उसी प्रकार से यहां हमारे हनुमान महाराज आ गये हैं और वह उन को अनुज्ञा दे रहे हैं कि वह जा कर सब जगह नाश करें और हिन्दू समाज को छिन्न भिन्न कर दें । मेरा तो कहना है कि अगर वह इस विच्छेद की प्रथा को लाना चाहते थे, तो सीधे सीधे जैसे पहले आप हिन्दू कोड बिल लाये थे, उसी प्रकार का बिल

[श्री वी ० जी ० देशपांडे]

ले आते, और जनता के सम्मुख रखते कि हम हिन्दुओं के विवाह प्रथा में उत्तराधिकार के सम्बन्ध में और उन के पर्सनल ला में यह परिवर्तन करना चाहते हैं। जहां तक मेरा सम्बन्ध है मैं तो अपने प्राचीन धर्म ग्रन्थों और शास्त्रों के ऊपर चलता हूं, और उन को अपना आधार मानता हूं और शास्त्रों पर मेरा पूर्ण विश्वास है। लेकिन मैं पूछता हूं कि आखिर आप देश में किस प्रकार की व्यवस्था निर्माण करने जा रहे हैं ? कोई भी स्त्री, पुरुष रजिस्ट्रार के सामने जा कर कहे कि मैं इस को पत्नी स्वीकार करता हूं, अथवा स्त्री कहे कि मैं इस को अपना पति स्वीकार करती हूं, ऐसे लोगों का विवाह विच्छेद हो सकता है, यह पूरा विधेयक लाने के बजाय आप एक एक विधेयक ला रहे हैं और लोगों को बिना बताये हुए जल्दबाजी में जितनी जल्दी हो सके हिन्दुओं में आज से नहीं हजारों वर्षों से जो विवाह संस्कार की प्रथा चली आ रही है और इस बारे में जो उन के विचार हैं, उन को आप एक दम बदलने जा रहे हैं और मैं यह कहना चाहता हूं कि इस प्रकार का आक्रमण करते समय इस लेजिस्लेशन में जिस में अनेक नये नये कानूनों का संदर्भ है, इसमें डाइवोर्स ऐक्ट का उल्लेख है, इस में रिमूवल आफ कास्ट डिसएबिलिटीज ऐक्ट और इंडियन सक्सेशन ऐक्ट का उल्लेख है, लेकिन चूंकि वह ऐक्ट हमारे सामने नहीं है, इस कारण भी मैं उस का विरोध करता हूं। इस के अलावा मेरे विरोध करने का सब से बड़ा कारण यह है कि यह बिल देखने में तो बड़ा सीधा सादा लगता है, लेकिन वास्तव में यह बड़ी दूर तक जाने वाला है और इस के परिणाम मेरी राय में हिन्दू समाज और संस्था के लिये बहुत अलाभकारी होने वाले हैं। साथ ही मैं आज के यहां के नेताओं को समाज का नेता मानने के लिये तैयार नहीं हूं और मैं यह भलीभांति जानता हूं कि देश की जनता इन के विचारों का इस सम्बन्ध में समर्थन नहीं करेगी। आज हजारों वर्षों से चली आ रही शास्त्रानुकूल विवाह पद्धति के स्थान पर यह एक नयी विवाह प्रथा जारी करना चाहते हैं और उन का दावा है कि यह जो विवाह प्रथा वह चलाना चाहते हैं, यह भी बड़ा अच्छा आदर्श है, ऐसा उनका मत है, जिस प्रकार से गीता में कहा है :

ये शास्त्र विधि मुत्सृज्य वर्तते कामकारतः।

इस प्रकार से जो केवल इच्छानुकूल चलते हैं। मैं तो ऐसा नहीं मानता, लेकिन जो दो चार शर्तें उन्होंने दी हैं, आप उन्हीं को देखिये, शास्त्रों को छोड़ दीजिये, तो आप उन में क्या पाते हैं और मैं नहीं समझ पाता कि आखिर यह कौन सा जीवन निर्माण करना चाहते हैं ? The parties have completed the age of eighteen years. यानी अगर पति १८ साल का हो और औरत ७२ साल की हो, तो भी वह विवाह इस में हो सकता है, आखिर जनता के सामने आप यह किस प्रकार का आदर्श रखने जा रहे हैं, मुझे तो कुछ पता नहीं लगता ? आठ साल की लड़की का विवाह एक वृद्ध के साथ कराया जा सकता है। इंगलैंड में भी और यहां भी जरठ और कुमारी के विवाह का निषेध नहीं है !

आप जो नया हिन्दू कोड बिल लाने वाले हैं, पिछले बिल में विवाह विच्छेद और अन्य बहुत सी बातें उस में लिखी गई थीं, वह बातें आज के स्पेशल मैरेज ऐक्ट में नहीं हैं जैसे असाध्य रोग वाले (Incurable disease) में विवाह न हो। और मैं समझता हूं कि इस तरह का बिल बड़ी जल्दबाजी में इस देश के सामने ला रहे हैं। इंगलैंड में जब विवाह में सुधार करने का

निश्चय किया गया, तो वहां इस तरह की बात नहीं की गई या कही गई कि जैसा कि कुछ लोग यहां कहते हैं कि यह औरतों का बिल है, वीमेन बिल, मेरी तो समझ में नहीं आता कि इस से उन का क्या मतलब है, केवल स्त्री का विवाह क्या मानी रखता है, या किसी ने कह दिया कि चूंकि इस के लिये वीमेन मेम्बर जल्दी कर रहे हैं, इसलिये जरा प्रोसीज्योर को दूर कर दिया। स्त्री पुरुष का विवाह केवल वैयक्तिक समस्या नहीं है विवाह बंधन एक बड़ा पवित्र सम्बन्ध है, जिस का असर केवल आज की समाज पर ही नहीं बल्कि भावी समाज पर और आने वाली सन्तानों पर पड़ने वाला है। दसियों और बीसियों पीढ़ियों पर उस का परिणाम आने वाला है और इसलिये आप के लिये यह उचित नहीं है कि आप एक गुस्से या जल्दी में आकर या लोगों को डरा अथवा धमका कर इस तरह का कानून पास करा लें।

अन्त में मैं और अधिक न कह कर सिर्फ इतना कहना चाहता हूं कि सरकार को जनता की भावना और विचारों का आदर करना चाहिये। निर्वाचन के सम्बन्ध में क्या हुआ यह मैं जानता हूं और इस के लिये आज इस सदन में मैं यह चुनौती देना चाहता हूं कि यदि आप यह समझते हैं कि इस मेजर में जनता आप के पीछे है तो यह आप की बड़ी भारी भूल है और अगर आप जनता की राय हासिल करना चाहते हैं तो इस पर आप रेफरेन्डम ले सकते हैं या इस विषय पर आप चुनाव के लिये खड़े हो सकते हैं और जनता से इस के पक्ष में मत मांग सकते हैं यह तथा और दूसरे बिल जो आप लाने जा रहे हैं जैसे सगोत्रों में विवाह दो पीढ़ियों में एक चचेरे भाई की लड़की और दूसरे चचेरे भाई के लड़के की शादी आप कराना चाहते हैं, यह विधेयक ले कर आप जनता के सामने निर्वाचन में जायं और अगर आप चुनाव में जीतते हैं तो मैं कहता हूं कि आप उन बिलों को अवश्य पास कराइये लेकिन आज की अवस्था में अपनी ब्रूट मेजारिटी के बल पर सदन में इस को न ठूंसें यही मेरी प्रार्थना है।

श्री नन्द लाल शर्मा (सीकर): माननीय उपाध्यक्ष महोदय, मुझे बड़े खेद के साथ इस विशेष विवाह विधेयक का विरोध यहां सदन के सामने उपस्थित होने से पूर्व करना पड़ता है। मुझे विश्वास है कि स्पीकर महोदय, अथवा उपाध्यक्ष महोदय जो भी उस समय होंगे जिस समय यह विधेयक इस संसद् के सामने पुनः उपस्थित होगा, तो फिर हमें उस पर अपने विचार पेश करने की अनुमति मिलेगी। दो, एक बातें १८७२ के विशेष विवाह कानून के अनुसार हिन्दू को हिन्दू कह कर जो विवाह करने का अधिकार था, आज उस को हिन्दू कहने पर भी उस का हिन्दुत्व छीन लिया गया है। वहां विवाह यदि हिन्दू हिन्दू करता था, तो इस बिल के अनुसार आज हिन्दू की किसी भी संस्था में किसी भी धर्म में हिन्दू स्त्री हो अथवा हिन्दू पुरुष हो, विवाह करने की जो बात है, और हिन्दू कोड बिल बनाने वालों के मन में इस को बनाते समय एक भावना जरूर रही होगी कि ऐसा कानून बना कर के हिन्दू शास्त्रों को सदा के लिये समाप्त कर दिया जाय और उस दिशा में हिन्दू शास्त्रों को नष्ट करने के लिये यह स्पेशल मैरिज बिल प्रथम प्रारूढ़ है। मैं इस को अच्छी तरह से जानता हूं कि शायद आप यह समझते हैं कि जनता को यह पता नहीं लगेगा कि हम हिन्दुओं के बारे में यहां पर कोई कानून बना रहे हैं, इसलिये वह इस स्पेशल मैरिज बिल का विरोध नहीं करेगी। लेकिन मैं आप को इस का स्मरण करवाता हूं कि जनता हर एक बात को बड़े खेद से और दुःख से अनुभव करती है और देख रही है कि आप क्या कर रहे हैं। मनु जिन को आप लोग

[श्री नन्दलाल शर्मा]

अक्सर किसी न किसी विषय में कोट करते हैं और कहते हैं :

"One of the best and greatest law-givers of the world."

वही मनु कहते हैं कि सवर्ण स्त्री की सवर्ण मनुष्य के द्वारा जो सन्तान उत्पन्न होती है वही द्विजाति हो सकती है । आप द्विजाति का समूल उन्मूलन कर डालने की प्रतिज्ञा ले कर के इस बिल को स्वीकृत करना चाहते हैं । कोई उपाय नहीं है । हम इस सदन में, इस संसद् में, मैं अपने घर में अपने सदस्यों को किसी प्रकार के अपराध का दोष तो देता नहीं क्योंकि उन्होंने भी वैधानिक आपत्ति खड़ी कर के इस का विरोध किया है । किसी ने अपनी स्वीकृति प्रदान नहीं की है । किन्तु एक व्यक्ति है जिन के मन में इस हिन्दू धर्म को नष्ट कर देने की इच्छा है, जिन्हों ने जितने भी समाज के नियम हैं उन सब को मिटाने का निश्चय कर लिया है । वह अपनी मनमानी गवर्नमेंट के द्वारा चलाते हैं और मैं समझता हूं कि लोकतन्त्र की हत्या करने वाला सब से बड़ा यही मार्ग है । जनता जिन बातों का निरन्तर विरोध करती है उसी को कर के एक मुट्ठी भर आदमी जो जनता को मूर्ख समझते हैं कहते हैं कि जनता कुछ नहीं समझती इसलिये हम जनता को ठुकरायें । अगर जनता गोहत्या बन्दी के लिये मांग करती है, भारत के एक कोने से दूसरे कोने तक तो एक व्यक्ति गवर्नमेंट के अन्दर खड़ा हो कर कहता है नहीं, हम गोहत्या बन्द होने नहीं देंगे । सारा देश निराश हो कर देखता है, समस्त जनता निराश हो कर देखती है कि क्या होगा । अगर यह एक व्यक्ति नहीं मानेगा तो क्या गोहत्या बन्द नहीं होगी ? शुरू से बाहर की किसी भी संसद् में किसी भी पार्लियामेंट में, किसी भी देश में आठ दस वर्षों तक किसी भी कानून का विरोध नहीं किया जनता ने, लेकिन भारत में किया गया । १९४३ से ले कर के १९५३ हो गया है जब से हिन्दू कोड बिल के पास करने का प्रयत्न ब्रिटिश गवर्नमेंट के समय से हो रहा है । सर सुल्तान अहमद ने, जो कि इस के प्रथम पिता हैं, अनन्त पिता बदले । तभी से जनता निरन्तर इस का विरोध करती है और अन्त में जैसा हमारे प्रिय मित्र देशपांडे जी ने कहा कि प्रयाग के चुनाव में हमारे प्रधान मंत्री को भी इस का स्वाद चखना पड़ा । अन्त में उन को यह कहना पड़ा कि मुझे मालूम नहीं था कि जनता इस के विरुद्ध है और प्रतिज्ञा की कि हम जनता की भावना के विरुद्ध कोई कार्य नहीं करेंगे ।

मेरे सामने स्पेशल मैरेज बिल पर आई हुई सम्मतियों का पुलिंदा पड़ा है । उन को आप उठा कर के देखेंगे तो आप को पता चलेगा कि हिन्दू जाति के अन्दर से किन किन लोगों के मत मांगे गये हैं । जो हिन्दू जाति के अन्दर जाति व्यवस्था मिटा देना चाहते हैं, जो हिन्दू जाति के धार्मिक सिद्धान्तों का समूल उन्मूलन कर देना चाहते हैं उन्हीं लोगों की व्यवस्था मांगी गई और राय मांगी गई । इस के अतिरिक्त उन तमाम बड़े बड़े आचार्यों, शंकराचार्यों, वल्लभाचार्यों, धर्माचार्यों, जैनाचार्यों, और सिखाचार्यों में से अथवा किसी भी धार्मिक संस्था की ओपीनियन सामने नहीं आती है । परन्तु इस पर भी मुझे खेद के साथ बधाई देनी पड़ती है अपने मुसलमान बन्धुओं को । किसी भी मुसलमान का नाम मैं ने इन सारे के सारे पुलिंदों में नहीं देखा जिस ने कि इस बिल का स्वागत किया हो । सभी ने मिल कर के एक शब्द से इस का विरोध किया है । मैं इस संसद् में बैठे उन महानुभावों से, जो हिन्दू धर्म की भलाई चाहते हैं, क्षमा चाहता हूं, अगर वह यह समझते हैं कि

दूसरों के धर्म को मिटा कर अपने धर्म का भला हो जायेगा । मैं कहता हूं कि यह विचार गलत है । लड़कियां तुम्हारे घर में भी हैं, और दूसरों के घर में भी हैं, और हो सकता है कि अगर हम ने कोई गलत स्टेप अख्तियार किया तो हमें ही धोखा खाना पड़े । "दूसरों के साथ अन्याय मत कर, दूसरों के अन्याय को मत सह" यह सब से बड़ा सिद्धान्त है । मैं कहता हूं कि जनता अब चुप रहने वाली नहीं है । अगर हम हिन्दू नहीं रहेंगे, अगर हमारा हिन्दू धर्म ही आप ने मिटा दिया तो हमारे बीच में अगर दस लाख नहीं, दस करोड़ नहीं, दस अरब लोग भी आजायेंगे तो भी हमारा कोई फायदा होने वाला नहीं है क्योंकि हमारा तो घर ही मिट जायेगा । जिस हिन्दू जाति के अन्दर मनु की कीमत नहीं, वेद की कीमत नहीं, जहां मनु की हिन्दू जाति वाली वर्णाश्रम व्यवस्था न रहेगी उस हिन्दू जाति में आप कहते हैं कि हमारी संख्या दस करोड़, बीस करोड़ या पचास करोड़ बढ जायेगी । लेकिन जब हमारी जाति ही न रहेगी तो संख्या का क्या प्रश्न रहेगा ?

श्री नवल प्रभाकर (बाह्य दिल्ली—रक्षित—अनुसूचित जातियां) : हिन्दू की परिभाषा तो कर दीजिये ।

श्री नन्द लाल शर्मा : हिन्दू की परिभाषा ? सुनिये । आप को पता चल जायेगा ।

हिन्दू वह है जो दुष्ट का दमन करता है, जो धर्म से पतित को पतित कह सकता है, जो शास्त्रों के आगे, आचार्यों के आगे, भगवान के आगे सिर झुकाता है, नमन करता है, जो दुष्ट की हिंसा करता है और जो शास्त्रों का अध्ययन करता है । उपाध्यक्ष महोदय, मैं उन की जानकारी के लिये यह और बतला दूं :

जिस की सिंध से ले कर सिंधु पर्यन्त भारत भूमि है वह जिस की मातृ भूमि है, पुण्य भूमि है, वही हिन्दू कहलाता है । साथ में इस का भी जानना जरूरी है । हिन्दू शब्द के लिये उन लोगों ने जिन्हों ने दूसरे के बहकावे में आ कर कहा कि हमारे ग्रंथों में हिन्दू नाम ही नहीं है, उन्होंने अपने साथ भी अन्याय किया है और हिन्दू जाति के साथ भी अन्याय किया है ।

Mr. Deputy-Speaker: The hon. Member need not get distracted.

Shri Nand Lal Sharma: I thank you very much.

उपाध्यक्ष महोदय, इस विशेष विवाह विधेयक में बात यह है कि 'काजल की कोठरी में कैसेहु सयाना जाय,' कालिख तो लगना ही है हम कितना ही बचना चाहें । जिस को ईश्वर में, धर्म में, परलोक में, समाज के मौलिक नियमों पर जिन पर समाज आधारित है, उन पर आस्था नहीं है, उस अनादि विधान पर जिन का आधार नहीं है, वह बहरे से बन गये हैं, पत्थर कहां लुढ़केगा, इस का पता नहीं, उस रोलिंग स्टोन का कोई स्थान हमारे यहां नहीं ? इस बिल में कन्या और वर वधु दोनों की ही एज केसम्बन्ध में कुछ आप के सामने कहने के लिये खड़ा हो गया । वृद्धों के विवाह का तमाशा तो हम ने संसद् में ही देख लिया । दूसरों का सुधार करने के लिये जाते हैं लेकिन स्वयं यहां बैठ कर विवाह करते हैं । क्या कहा जाय । मैं किसी पर व्यक्तिगत आक्षेप नहीं करना चाहता । खैर मैं दूसरी बात कहता हूं । ईश्वर का डर नहीं, धर्म का डर नहीं, ऐसा चाहते हैं कि नियमों को ही बदल डालें । हमारे यहां शास्त्रकारों ने स्पष्ट रूप से बतलाया है कि :

कन्या अपने विवाह में देखती है रूप को,
माता देखती है गुण को और बाकी के सब लोग देखते हैं मिठाई को ।

निवेदन यह है कि उस के कन्या केवल चाहिये, कितने वर्ष की भी हो जाये। वहां मुख्य

[श्री नन्द लाल शर्मा]

ध्येय रूप में रहता है । इसलिये कोर्टशिप मैरिजेज में जो दोष है वह यह है कि बाहर के रूप को देखने के बाद, थोड़ी देर तक बात चीत होने के बाद, उसमें न कोई प्रेम होता है, न स्नेह होता है, केवल कामवासना के वश में आ कर किसी के साथ सम्पर्क हो जाता है । फिर सम्पर्क होने के बाद दूसरे दिन जब प्रत्यक्ष होता है तो यह सब नशा उतर जाता है और वहां त्रिचक्षु की हानि हो जाती है । इसीलिये हमारे यहां कहा गया है कि माता पिता में सब प्रकार की भावना आ जाती है । आज भी आप देखेंगे कि कन्या को माता पिता स्वयं केवल गर्त में गिरा देने की ही भावना रखते हैं, ऐसी बात नहीं है । जो लोग इस प्रकार का चित्र खींचा करते हैं वह केवल प्रचार भावना से और हमारे सिद्धान्तों को, नियमों को और समाज को मिटाने की भावना से ऐसा करते हैं । माता और पिता दोनों ही मिल कर इस समाज के बनाने वाले हैं एक कन्या पक्ष का है, दूसरा पुरुष पक्ष का है, एक वर पक्ष का होता है तो दूसरा बधु पक्ष का । एतावत इस में नहीं कहा जा सकता कि अमुक व्यक्ति ने ऐसा काम किया ।

दूसरी बात यह है कि वर्णाश्रम धर्म को मिटा देने के अतिरिक्त इस में दूसरी जातियों में और दूसरे मतों में भी विवाह करने की छट दे दी गई है ।

एक माननीय सदस्य : वह तो चाहिये ।

श्री नन्द लाल शर्मा : चाहिये तो यह कि चाहे जो मनुष्य हो और चाहे जो स्त्री हो, किसी भी पुरुष और स्त्री के बीच में विवाह करने की आप को छट हो जाये, कामशील विवाह के अनुसार संसार में सब ठीक है । बस, मातृ योनि परित्यज्य, माता को छोड़ कर समस्त स्त्रियों से विवाह हो सकता है, यही ठीक है । और फिर अन्ततः यही भावना रही तो यह होगा कि कहेंगे कि जब शूकर और कूकर अपनी माता को नहीं छोड़ते हैं तो मनुष्य क्यों छोड़े । यही भावना रही तो फिर मैं समझता हूं कि न किसी मारेलिटी की आवश्यकता है, न किसी मारल ला की और न किसी और ला की आवश्यकता है, इस तरह आप को पीनल कोड में से भी अनेक इस प्रकार के कानून निकाल देनपड़ेंगे । (इस समय घंटी बजी)।

श्री अल्गू राय शास्त्री (जिला आजमगढ़,—पूर्व व जिला बलिया—पश्चिम): यह बड़ा महत्वपूर्ण प्रश्न है, इसलिये मेरी राय है कि पंडित जी को जरा बोलने दीजिये । दस मिनट और समय दिया जाय ।

Mr. Deputy Speaker: There is the first Bill.

श्री नन्द लाल शर्मा : केवल यही बात नहीं कि हिन्दू धर्म शास्त्रों में .....

Mr. Deputy-Speaker: According to the sloka, nobody thinks of Dharma Sastra.

Dr. Suresh Chandra (Aurangabad): On a point of order, Sir, the hon. Member is using unparliamentary and indecent language. This should not be allowed.

Several Hon. Members: No, no.

Shri Nand Lal Sharma: I thank the House for not giving that verdict and for not agreeing with that.

मैं केवल दो शब्द और कह कर बैठने का प्रयत्न करूंगा । मैं यह कहना चाहता हूं कि यह केवल हिन्दू धर्म के सिद्धान्तों के विरुद्ध है, ऐसी बात नहीं यह इस्लाम के सिद्धान्तों के विरुद्ध है । जब हम यहां संसद् में बैठते हैं तो सभी जातियां और सम्प्रदायों का ध्यान रखना हमारा कर्तव्य

हो जाता है। ऐसी परिस्थिति में जो सिद्धान्त यहूदियों के हैं, उन सिद्धान्तों के भी यह विरुद्ध है। यह रोमन कथालिकों के सिद्धान्तों के भी विरुद्ध है। यदि हम बाकी धर्मों का भी निरीक्षण करने लगें तो वहां भी ऐसे प्रतिबन्ध लगा रखे हैं कि यह उन के विरुद्ध पड़ेगा, इस तरह का अन्धेर हिसाब इस बिल में है कि मैं तो यह समझता हूं कि वाम मार्ग से भी यह दस गुना अधिक होगा। चाहे जो पुरुष हो, चाहे जो स्त्री हो, बस रास्ता चलते हुए साथ हो गया और रजिस्ट्रार के सामने चले गये और विवाह करा लिया। इसलिये मेरा निवेदन है कि मैं इस बिल का सिद्धान्ततः विरोध करता हूं।

फिर यह बात कि परमिसिव है, यह भी केवल धोका देने की चीज है। जनता की आंखों में धोखा डालने की बात है जो बेचारी कानून को अच्छी तरह देख भी नहीं सकती। जब आप मानोगैमी को एनफोर्स करते हैं तो जनता के लिये कोई कंडीशन नहीं छोड़ते उसी दिन उसी के लिये आप डाइवोर्स को जबरदस्ती उस के परिणामस्वरूप ले आते हैं। एक विवाह, एक पत्नी का जो रूप हम रख दें, एक पत्नी पति का, तो उस के बाद यदि किसी कारण से कामना पूर्ण न हो तो फिर डाइवोर्स के अतिरिक्त दूसरा कोई मार्ग नहीं है। इस लिये यह कह देना कि डाइवोर्स केवल परमिसिव है यह बिल्कुल झूठी बात है और जनता के साथ अन्याय और धोखा करना है। फिर मानोगैमी का क्या रूप आता है, यह मैं केवल जब अनुकूल समय आवेगा तब कहूंगा।

इस सम्बन्ध में कहीं कहीं राम राज्य का नाम लिया जाता है कि कैसे राम ने एक पत्नीव्रत रखा था। हम भी कहते हैं कि एक पत्नी से बढ़ कर दूसरा आदर्श समाज के लिये कभी हो नहीं सकता, किन्तु शास्त्रों ने एक से अधिक पत्नी का निषेध किया हो, ऐसा नहीं है। जिस समय पुत्र की उत्पत्ति नहीं हो सकती हो, कुल के चलाने में हानि होती हो तो ऐसी परिस्थितियों में स्त्री की अनुज्ञा ले कर, अनुमति ले कर, दूसरा विवाह हो सकता है। ऐसा शास्त्रकारों का मत है। मेरा विश्वास है कि यह ऐसी आज्ञा दूसरे स्थानों पर भी दी गई है।

मैं इस समय इतना ही निवेदन करूंगा कि हिन्दू जाति के दृष्टिकोण से ही नहीं, बल्कि सारे समाज के हित के दृष्टिकोण से देखा जाय तो भी यह बिल महान हानिकारक है। यह सिद्धान्त मान भी लिया जाये कि परमिसिव है तो जैसे आत्महत्या में परमिशन नहीं दी जा सकती कि जो चाहे आत्महत्या करे, जो चाहे न करे, परमिसिव कर दिया जाय, तो वह नहीं हो सकता। जैसे चोर्य और डकैती की परमिशन नहीं दी जा सकती, परमिसिव बना कर कि, जो चाहे करे, जो चाहे न करे, जैसे भ्रष्टाचार की अनुमति नहीं दी जा सकती कि जो चाहे करे, जो चाहे न करे, क्यों कि यह सब एक नियम के विरुद्ध है, उसी प्रकार इस के लिये भी परमिशन नहीं दी जा सकती। सदाचार के नियम के अनुसार इस की परमिशन देना सर्वथा अनुचित है। यह परमिशन का जो आरग्यूमेंट है यह भी हमारी मारेलिटी के ऊपर एक धोका देना है। इसलिये देश जाति के नाम से अपनी जनता के नाम से लोकतन्त्र के नाम से और अपने को धर्म निरपेक्ष कहने के नाम से, हम कहते हैं कि किसी भी धर्म पर आप कुठाराघात न करें नहीं तो आप को यह भी याद रहे कि जनता की आवाज बड़ी भयंकर है। रावण की लड़ाई भी लोगों ने लाखों वर्षों तक सही, लेकिन अन्त में उस को मारा तो आज तक यह लड़ाई याद रखी जाती है, हर साल उस का मुर्दा फूंकते हैं, मरवाते हैं और विभीषण को अमर बनाते हैं। इसी तरह दुर्योधन का भी हाल हुआ।

इन शब्दों के साथ समाप्त कर के मैं आप को धन्यवाद देता हूं।

Shrimati Renu Chakravartty: Mr. Deputy-Speaker, Sir, I do not propose to answer the various things that have been said just now because I feel it is very difficult to answer people whose mind still remains in mediaeval times. It is even more difficult to convince anybody who thinks that he himself has the monopoly of all morality and everybody else who demands progress, immediately should be dubbed as irreligious. We support this Bill because the principles underlying this Bill is progress. The entire idea is to have a contractual form of marriage without the necessity of repudiating religion, which was necessary in the Bill of 1872. We also support it because we hope that this is the first step towards the codification of the law applying to the citizens of India.

How and when such a law will come into being I am, of course, very doubtful, because considering the time that has taken the Hindu law to be codified, I am afraid it is very difficult to believe that we shall have one system of codified law for the whole of India in the very near future. Nevertheless, it is a step in the right direction, although I would just say this, that there are many parts in this Bill which, to me, are very retrogressive. The very idea in the Bill, that of giving the right of contractual marriage without repudiating religion, that very principle has been repudiated in certain clauses of the Bill. Of that more later, Sir.

But I would like to answer one general argument which is always brought forward by people who always oppose any new progressive laws, *viz.*, that it goes against Hindu society, that it goes against Hindu religion. The face of society changes. We regard society as dynamic, and we recognise that through the ages society has changed and the superstructure of society, *i.e.*, the customs, have changed also. When we look at tribal society, we find that they have certain systems, and we see that they are still in vogue in many places in India. They answer to certain conditions, certain standards of objective reality, and they have set up according to these certain standards, certain customs. When we come in later ages to feudal times, when we see that the means of production has gone into the hands of man, women automatically become subjected. We begin to see them becoming more and more akin to a commodity; they can be exchanged for money. We see such things as polygamy, dowry etc. These are things which emanated from the objective reality of society. Now, a new society has come into being when there is need for free labour power which reflects itself in the growth of ideas about individual freedom, then certainly we must come to this question about free choice of marriage. It is no use saying that it is immoral, it is not right. We believe and we stand by this fact that there should be free choice of marriage, and therefore, this contractual marriage as enunciated in this Bill we support. We do not think that just because a person marries out of his or her free choice, it becomes unholy; that the bride and the bridegroom see into the soul of each other only if they are married according to religion, and otherwise not. It is, I think, so much bunkum. Our ideas must not depend on such things. We must react to things objectively. We may not like it at all. We may dislike that our sons and daughters should marry according to their choice or they should react in such a way. way. We may have very strong feelings about it, but at the same time we have to recognise that new times have come, ideas have changed, and according to those ideas, we have to give legality. We are not going to allow such marriages to remain illegal. We have to think of the children that may come after them and we have to think of the happiness of those young men and women who are today reacting to certain new necessities of life. Whether we like it or not we will have to accept it and we will have to make legislation for it.

Certainly at the present stage this Bill is of a permissive character because still there are many people who are very orthodox, who believe that we must marry according to customary law. There is nothing to prevent them from doing it, but I think it is wrong to compare the idea of allowing people to marry according to the law they like, and the permissive character of whether we allow facoity or not. I think it is a completely different analogy and something that is brought just with the idea of confusing issues.

It is because of the modern times that this measure has come into existence. The principle behind it is modern, and therefore it must be supported. The recognition of contractual marriage which does not insist on a declaration of irreligiousness or a repudiation of religion is the only new progressive point which has been added to the law of 1872. Otherwise, it is the same old thing, the same old Act of 1872, and the same outmoded outlook remains in this Bill. At that time what were the circumstances? When the law of 1872 was passed, orthodoxy was completely entrenched, and in spite of that, new ideas had come, new ideas had been superimposed upon our society, and society was forced to make certain concessions?

The Act of 1872 was passed in mid-Victorian times when the new concepts of individual freedom had just come into our country. Therefore, what did the orthodox do? While, on the one hand they had to accept the idea of contractual marriage, at the same time they tried in every way to hedge in the people who wanted to marry according to this law by all sorts of preventive methods. In every way they tried to prohibit the people from utilising this law by victimising them in many ways. For instance, one of the most abnoxious clauses was that it asked them to deny their religion. Secondly, they considered them an outcaste by declaring their severance from the joint family property. Thirdly, they gave their parents the right to adopt according to Hindu law while the son was living. That was an indirect method of penalising the person from getting the property of his father.

Shri Algu Rai Shastri: Either he should have the wife or the property.

Shrimati Renu Chakravartty: You will have your say no doubt. I must have my say now.

Also the men and women who married under this law had the right of adoption taken away from them. That is, they were no longer regarded as Hindus. They no longer needed the *pinda* and therefore they should not have the right to adopt. Now, this method of penalising those who go in for this form of marriage has been left intact in the Bill. Therefore, I would like to bring before this House the big contradiction between the supposed principles enunciated in bringing forward this Bill, and at the same time the retention of these particular clauses which contradict this idea of allowing contractual marriage without repudiation of religion. Those very things are repudiated by the retention of these clauses as they were in the original Act of 1872. The old Act has been bodily incorporated and the modern demands will not be satisfied by it. It is just like the analogy of the new wine in the old bottle. Pour the new wine in the old bottle, and the old bottle bursts. It is therefore that I say that this Bill will defeat itself. The principles are good, but due to the very fact that it has incorporated the very clauses which were there to victimise and penalise people utilising this form of marriage, the very purpose of the Bill will be defeated and therefore I say that this Bill is really giving with one hand and taking away with the other. That is, it is a sort of negative Bill which does not answer the needs of the times. Therefore, we demand very categorically that there should be no clause about severance from joint family property. Why should there be penalising? When we accept the fact that people are not going to lose caste or repudiate religion by marrying according to this law, why should there be this clause about severance

[Shrimati Renu Chakravartty]

from the family, and the denial of the right of being a part of the joint family? Why should there be no adoption for the people who marry under this Act. They are human beings. This right must not be taken away from them, nor must they be victimised by disinheritance by the clause that the father can adopt a son in case his own son marries according to this law. Another point which has struck me, as I went through the Bill is that this Bill is really legislation by reference.

5 P.M.

Mr. Deputy Speaker: There does not seem to be any disinheritance.

Shrimati Renu Chakravartty: There is severance from the family.

Mr. Deputy Speaker: Inheritance is there—but survivorship goes—under the Caste Disabilities Removal Act.

Shrimati Renu Chakravartty: I will not go into the details, I shall argue that point when the amendment comes up. Since there is severance, he will not have any right to anything that accumulates in the joint family. Therefore there seems to be some penalisation. Any way, I am not going into the details just now.

As I was looking through the provisions of this Bill, one thing which I noticed was that this is a piece of legislation by reference. You have always to refer back to old Acts, which had been passed in the far distant past in some cases, and in the near future, in other cases. But generally these are very old Acts to which reference has been made in the Bill. We have to refer to the Caste Disabilities Removal Act. This is a modern Act, but then we have also to refer to the Indian Divorce Act, which is already outmoded, and the Christians themselves are demanding certain amendments and changes in that Act. Yet we are incorporating in this Bill provisions with reference to the Indian Divorce Act. We have also to refer to the Indian Succession Act. When the situation has changed, and we really need a new law, we should definitely have a law *in toto*, and not a law by reference. Legislation is not only good draftsmanship, but it must also meet the needs of the times. When there are new times which need a new Act, a new approach should have been there, and a new law should have been brought forward, and not legislation by reference.

For instance, when we have accepted that a contractual marriage does not necessitate the denial of one's religion, there can be no two opinions on the question of losing caste. Therefore, the question of the Caste Disabilities Removal Act does not arise, and the question of severance does not arise. If today, we are to apply the Indian Divorce Act, we will find that it is not only outmoded, but it will also bring us to certain difficulties. If we depend on the Indian Divorce Act, and one of the parties ceases to be a Christian, divorce may be granted. But here, there is no question of any difference between a Christian or any other caste or religion. Therefore this Bill will bring in certain anomalies. If the Indian Divorce Act applied to some marriages which were solemnised earlier, and are now registered according to the present Bill, some cases will arise where the marriages will become null and void. There will be complications about the legitimacy of the children etc. So, the entire question has to be viewed again. Why do you want to legislate by reference? Why cannot you have a new law and a new Act answering to the needs of the times?

Then again, we have been referred to the Indian Succession Act. The provisions regarding intestate succession in the Indian Succession Act do not apply to Hindus, Muslims, Buddhists, Sikhs and Jains. I think the relevant Sections are Sections 29 and 58. This is also a question which has to be thought over. Why do you want to incorporate these provisions, and bring in additional difficulties in the way? I am not referring to the Indian Succession Act in detail, but there are other difficulties also which have not been

foreseen in the body of the Bill. For instance, what about the law guiding the inheritance of children of earlier marriages under different laws?

These are some of the points which I would like to point out. Why is it that we are asked to go back and refer to outmoded enactments which had been passed in mid-Victorian times, or even later on, but which really go against the principles of this Bill, and add to the difficulties and lacunae which will come about by the passing of this Bill. We feel that a new law should have been brought in, a completely new law which should have been viewed from the point of Science and objective reality.

Lastly,—and by no means less important— everything has to be viewed from the point of view of the children, and the welfare of a happy home life. It is the children that are most important, and so I may be allowed to make a few remarks about them as well. When we view it from the point of view of the children, we have to see that there must be a water-tight guarantee for the legitimacy and the maintenance of children born of an earlier marriage, declared invalid by this Bill. That is a thing, which must be guaranteed first, because actually there may be a few such cases. So, the question of legitimacy also should be provided for in this Bill. The economic stability of the children must also be ensured. Why should there be the question of a severance from the family? Why should the children be severed from the family? They should remain within the family, and should be entitled to all the love, advantages as well as the responsibilities of the family, as it exists today. The main point I would like to point out is that the inheritance of the children born of an earlier marriage under another law may be complicated by this severance. I feel that the law should be made very easy, and answer the needs of the times.

The question of consent also has been put in in the Bill. I think this should be deleted, because here again there are certain complications which are likely to arise. Under the Hindu Divorce and Marriage Bill, which has been introduced, the age of consent is 16, but here it is 21; so, when there is a provision that the age of consent is 16, that should have been accepted in this Bill. Moreover, when the question of consent is there, nothing has been provided in the Bill as to who will be the guardian in the absence of the father. We know often that even when the mother is a guardian, if any body comes forward and says that he is the guardian, marriages are solemnised and we know what happens in such cases.

If a new method of marriage is to be there, people are going to marry against the orthodox methods. Let us be very clear on that point. They are going to marry against the will of such people as the previous speakers. So it is very necessary that this question of consent should not be there. Regarding objections which can be raised, I think the provision should be made in such a way that it will not lead to harassment. I shall deal with this point in detail, when the amendments are taken up.

Lastly I would like to submit that we do need a codified law, and a more progressive outlook regarding marriage as a contract, based on love, respect for each other, and the building up of a happy home for our children. It is on this basis that the entire law has to be looked upon, not from the idea of orthodoxy or that those that believe in customary law are the sole repositories of morality.

With these few words, I support the Bill in principle.

Dr. N. B. Khare: Sir, I am going to confine myself only to the proposition before the House, moved by my hon. friend the Law Minister, about this so-called special marriage. I saw quite a sudden and magic change in the attitude of this House with regard to this motion. On the 14th, when this motion was first moved before the House, I am very clear in my mind, and you will also agree with me, that the whole House, particularly the majority of the

[Dr. N. B. Khare]

Members of the majority party seemed to be against this motion, and against the idea that this motion is regular, legal or proper.

Shri A. M. Thomas (Ernakulam): You are mistaken.

Dr. N. B. Khare: Whatever that may be, that is my impression, and I have a right to place it before the house.

Pandit K. C. Sharma (Meerut Distt.—South): He has a right to be mistaken, and he is always mistaken.

Dr. N. B. Khare: I say this because I was present all throughout, and I heard the voices of no, no, sit down etc. from the Congress benches, and my hon. friend the Law Minister was hooted down; he had to sit down, and he was not even heard. That shows the attitude on the 14th. But today I find that there is a sudden and magic change in that attitude, as I said before. The House seems to be today very much agreeable to this motion and to the idea that it should be taken into consideration and perhaps passed also—I am sure it will be passed.

Shri Algu Rai Shastri: Wisdom grows.

Dr. N. B. Khare: After all, we are talking of special marriage, and I think we have developed an inordinate love for this special marriage, and love, as everybody knows, is blind, and knows no laws. After all, it is love that compels one sometimes to commit kidnapping, trespass and what not, and sometimes even breaking of the law. So to enable us to consider this motion, we can afford to break all our Rules, our Constitution, our procedure, and everything else. It is all right, and we can go ahead, for it is a very good example!

When that is being done, I must also say what has brought about this change, from the 14th to the 16th December 1953, within a period of 48 hours. One single event has brought about this change, as I read in the papers also this morning.

[SHRI PATASKAR *in the Chair*]

This change which I have seen today obviously and manifestly before my eyes reminds me of the old *pouranic* story of the *gopies*, the *gows*, the *Gopal* or the *Gopivallabh*.

Pandit K. C. Sharma: On a point of order, Sir. Is the hon. Member entitled to go into a discussion of the Bill or into the conduct of hon. Members of this House? He need not go into details about how others behave. Let him behave himself.

Shri Algu Rai Shastri: He is developing his argument. He should be permitted.

Dr. N. B. Khare: Sir, this reminds me of the story that whenever the *Gopis* or the *gows* used to go astray, the *madhura*, sweet music of the *Murali* of Krishna Bhagwan used to bring them to their senses and used to captivate their hearts. The same thing happened here, Sir. As soon as a certain person came here and uttered his *mantra* or his music, all the *Gopis* and *gows* had been thoroughly attracted.

Mr. Chairman: May I suggest to the hon. Member that it would be worthwhile if he refers to the provisions of the Bill?

Dr. N. B. Khare: I am referring to the Motion which is being passed. We are talking of marriage. I am for monogamy; I am not for polygamy.

Shri D. C. Sharma (Hoshiarpur): May I know, Sir, if the hon. Member thinks himself to be a *Gopi*?

Dr. N. B. Khare: If the cap fits him, he may wear it. (*Interruptions*) He has provoked me. The cap fits him. I do not dance to any body's tune.

Mr. Chairman: I would appeal to hon. Members not to provoke the hon. Member who is speaking.

Dr. N. B. Khare: Therefore, Sir, I may tell you that I am for monogamy and this Special Marriage Bill also provides for monogamy. But, Sir, I am surprised to find that in this House itself there is complete polygamy ruling

—one Gopi Vallabh and hundreds of Gopis dancing to his tune.

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): With one *Kubja*.

Pandit K. C. Sharma: I am rather surprised at the arguments of my friends both supporting this Bill as well as opposing it. It is a simple measure. In this country in the Hindu, Christian, and Mohammedan religions, marriage is predominantly governed by personal law and there are rules of conduct for the husband and wife in all these relisions. Then cases had happened when marriages were to be performed and the people did not belong to these religions. So in 1872 a law was passed—the Special Marriage Act—under which certain people who did not belong to certain religions could perform their marriages, and the basis of the marriage was contractual, *i.e.* as human beings, the young man taking the young woman as wife and the young woman taking the young man as husband. When they took each other as husband and wife, it did not follow that they said goodbye, as Mr. Nandlal Sharma said, to everything decent in human life. That is not the question. The words 'husband' and 'wife' are significant words. They carry certain implications, a certain significance, a certain meaning behind them, and the young man and the young girl who took each other as husband and wife undertook to observe the law of decency and good conduct in society. It cannot be said that because they married beyond the Hindu, Muslim, Christian or any other religion, therefore, they said goodbye to everything that was good in those religions. That is not the point. For my friend's information, I may say that even in the Rigveda it is said:

> "Ye, the young girl, go to the youngest man. Be thou mother of heroic children for the good of society."

There 'the good of the society' means the good of the race. Therefore, the emphasis is not on the performance of *yagya* as such; the emphasis is on keeping the thread of the race alive. What is important is the progeny. Therefore, the emphasis lies with regard to the race, not with regard to religion. Even on the principle laid down in the Rigveda, in marriage the question of religion goes in the background and the question of race comes first, and it cannot be said that the race belongs only to those who believe in the Hindu religion or in any other religion. Therefore, on the basis of marriage under the Rigveda idea, a Hindu can marry a non-Hindu for the perpetuation of the race; it would be within the idea, within the concept of Rigveda marriage.

Anyhow, in 1872 a law was passed. The condition was that the couple did not belong to certain religions and they could marry and make a declaration that 'A' and 'B' did not belong to this or that religion. Now, in 1923 Sir Hari Singh Gour brought in an amendment in which he said that if both the parties belonged to the same religion,—Hindu, Sikh, Buddhist or Jain religion —they can marry, and the declaration was to be made that both the parties belonged to that religion. In the 1872 Act, the condition was that they did not belong to certain religion. After the amendment of 1923, the condition was that they belonged to the same religion. Now, in this proposed Bill, this condition, *i.e.* this declaration, is being done away with. The marriage under both the Acts,—*i.e.* under the 1872 Act as well as after the 1923 Act —was a marriage in the contractual form. The contractual form, I may again mention, is not doing away with everything ethical or decent in life. The simple difference was that the sacramental forms were done away with, that a Hindu was not required to go 7 times round the sacred fire. But it does not follow that because he has not gone round the sacred fire seven times, therefore everything that was said before the sacred fire was not in the mind of the girl or the boy. They say 'we observe the rule of piety'. When they marry, the girl and the boy do not say 'We say goodbye to everything that is pious or decent in human life'. That is not the point.

[Pandit K. C. Sharma]

In the form in which it is presented, this Bill takes away this declaration that they belong to the same religion—Hindu, Jain, Buddhist or Sikh religion. Under the proposed Bill, any Indian citizen can marry another Indian citizen, of course of the other sex.

Then, Sir, the condition prevailing up to this time was that cases were known in large numbers in which the young man in order to get the young girl would say that he is not a Muslim or he is not a Hindu, though he is a Muslim or Hindu all the while. In order to get the woman, he will make a false declaration. To do away with that necessity of making a false declaration, this Bill comes to our rescue. The only difference that it makes is that the young man or the young woman is not required to make false declarations before the Registrar. They come as man and woman belonging to this country only stating that they are 21 or such and such age and they are Indian citizens and they want to take each other as husband and wife and therefore they are married. This is the only difference; there is no other difference. Sir, law is made under economic, social conditions and intellectual receptivity. 'Intellectual' when it is used in relation to the conditions of law, includes ethical conceptions or morality. Whether it is a good law or a bad law depends on the circumstances which warrant the enactment of a proposed law. I may cite the example of a recent Bombay marriage, in which a man and a woman did not like to go even to the Registrar of Marriages, but made a certain contract, the woman stating that "these would be conditions for my living with the husband" and the husband laying down certain conditions for keeping the woman as his wife and they both agreeing that while they live as husband and wife, those are the conditions which each of them undertakes to observe. So this is a social condition. The receptivity of the people demands that we have come to a stage where such a law is a necessity and therefore it is quite in the fitness of things that such a law be passed.

Again, there is a chapter "Registration of Marriages solemnised in other form". My friend, Mr. Deshpande, made much of it, but I may remind him that there was an amendment to the Special Marriage Act and it is already the law that if marriages are performed in any other form, husband and wife agreeing together, writing to the Registrar, can get the marriage converted into a marriage under the Special Marriage Act, and then the marriage will be considered as one performed under that Act. So, there is nothing new in it. It is already a law in existence. There is nothing new in it and when this amendment was brought, I was against it, not because it was a bad law as such, but because when the marriage has already been performed in another form, it was not a question between A and B, that is, husband and wife, but there might also be the question of A, B, C and D, that is, the husband, the wife and two children, and after the marriage has been registered as a marriage under the Special Marriage Act, then inheritance would be governed by the Succession Act. Thus, in the same family two forms of law of inheritance will come into existence —one, the law of surviorship and the other, the law of succession. That was my objection to that amendment. I am still of the opinion that registration of marriages solemnised in other forms is not a good law. For when a marriage is done in a religious form, it is both sacramental and contractual. It might be predominantly sacramental, but the element of contract is always present there, whether it is a Hindu marriage or a Muhammadan marriage or a Christian marriage. It is wrong to say that a marriage performed under the personal law is cent. per cent. a religious marriage or a sacramental marriage. They undertake certain obligations there as husband and wife, which is a form of contract, and that contract is enforceable in civil courts. Even a personal law marriage is to some extent a contractual marriage. So, this marriage under the personal

laws is sacramental as well as contractual. At the time when the marriage was performed, it should not be open under any circumstances—I am talking of the case of personal law marriages—to the parties to say "good-bye" to what they once promised. That was my objection and I still do not regard it as a good law. There is nothing of religion in it and nothing ethical is involved. Because a young man goes to the Registrar and says "I take this young lady as my wife", does it mean that to everything decent and ethical in human life they say 'good-bye'? There is nothing of the sort. Human life is human life. It is good and decent whether you stand by the scripture or you stand by the social virtues. A virtue is not simply because It is there in certain secred books; it is a virtue when it is acted upon in society; scriptures are meant for social life and not meant for libraries. Therefore, to say that anything irreligious is being done is wrong and the impression created that certain sections of the House are bent upon acting in a way which is against certain tenets of religion is entirely unfounded. As I said, a law is to be passed on the conditions, economic, social and intellectual and the word 'intellectual' is comprehensive enough to include ethical conception. I also said that a Bombay marriage warrants the enactment of such a law because two educated persons quite decent in life, quite respected in society and doing useful work, have married in a form of contract and they live together peacefully, happily etc. Therefore, conditions obtain where such a Bill is now necessary. I again repeat it is against no religion, no ethical principles, no decencies of life. It is a perfect piece of legislation.

Mr. Chairman: I think we are nearing 5-30. At 5-30 we have to commence discussion on a matter of public importance. I think there is hardly a minute or two now.

An Hon. Member: Somebody may begin, Sir, his speech.

Shri D. C. Sharma: Mr. Chairman, Sir, I think this question is going to be a barometer of the social conscience of those people who are going to speak on it and of those who are going to judge it. I believe, Sir, that social legislation of a progressive type is always productive of many surprising reactions. One of the reactions that it produces is a shock reaction and I was not surprised when I listened to the speech of some hon. Members on this side of the House who thought that the heavens are going to fall because this Bill has been introduced. I believe, Sir, that the heavens are not going to fall when this Bill is going to be passed. On the other hand, I believe that India will have a new social outlook on life and a new social outlook of our own. I think that this Bill will in many ways re-vitalise our home life and social life.

Shri Algu Rai Shastri: I doubt very much.

Shri D. C. Sharma: Sir, I shall continue tomorrow.

INTERIM COMPENSATION TO DISPLACED PERSONS

Mr. Chairman: Now, we may take up the discussion of a matter of very great importance, namely, the scheme to pay interim compensation to displaced persons for their properties left in Pakistan. The hon. Member Shri Gidwani has given notice. I think that as the total time for the discussion is only one hour, 15 minutes may be given to Shri Gidwani, 15 minutes for the hon. Minister to reply and 6 minutes each to those persons who have sent in their names and who wish to take part in the debate.

Shrimati Sucheta Kripalani (New Delhi): 5 minutes is quite useless. It is such an important subject that the time should be extended beyond one hour for the discussion.

Mr. Chairman: The hon. lady Member realises that by convention that is a matter to be discussed only for a short duration. So far as the present programme is concerned, it is fixed. I think it is only a matter of urgent importance, for a short duration. Therefore, I am going to give 15 minutes to

[Mr. Chairman]

the hon. gentleman who gave notice of the motion, and I do not think any question of extending the time will arise.

The Minister of Rehabilitation (Shri A. P. Jain): You might ask the hon. Members who want to speak to give their names, and then fix the time.

Mr. Chairman: I have got a list of those names of Members who have intimated that they want to take part and they are: Sardar Hukam Singh, Shri Gurupadaswamy, Shri Soren, Shrimati Sucheta Kripalani and Shri B. K. Das.

An Hon. Member: There may be others who want to speak.

Mr. Chairman: Let the hon. Member who has given notice of the motion first begin.

Shri Gidwani (Thana): Sir, the scheme that has been announced relates only to immovable urban property. You must be aware that apart from immovable urban property of which the value has been assessed by our Government officers, as being to the tune of over Rs. 500 crores, we have left movable property, rural property, and have also left agricultural property. The difference between the agricultural property left by us in Pakistan and the Muslims in India is nearly 40 per cent. The displaced Punjabis have received compensation to the tune of 60 per cent. and the rest ought to get to that extent. Still, the value is 100 per cent. and we get only 60 per cent. Then there are other properties in various forms. I cannot give exactly the figure of the total property left by us, movable and immovable, urban and rural, but Government had invited applications in the beginning, and the brochure published by the Government showed that we have laid claims to the tune of Rs. 2,000 crores. It may be an exaggerated figure, but it is more than Rs. 500 crores, because Rs. 500 crores represents only urban property. It may be Rs. 1,000 crores or Rs. 1,500 crores, but that is the value of the property that we have left in Pakistan.

The second point that I want to bring to your notice, Sir, is that we have left that property, and we have been saying from the very beginning that without getting compensation, we will not be able to rehabilitate ourselves. Therefore, in the beginning, we asked as early as in May, 1948, in a conference held in Delhi over which I had the honour to preside that Government should levy a liberty tax. Then in 1948, we had another conference under the chairmanship of Babu Purushottam Das Tandon, who suggested to the Government the imposition of a capital levy. Then, afterwards in July, 1949, the Government called a conference of the representatives of displaced persons under the chairmanship of Shri Gopalaswami Ayyangar. Then, Mr. Mohanlal Saxena was the Minister and we were promised that we would be paid compensation. Then, on the 20th April, 1950, this Parliament passed an Act called the Displaced Persons Act, when Mr. Mohanlal Saxena was the Minister. Again, in July, 1950, when Shri Ajit Prasad Jain became Minister, another conference was held presided over by Shri Gopalaswami Ayyangar and he assured us that "we shall also pay a substantial amount from the Government of India's resources." This was on the 20th July, 1950. Then, Sir, Government appointed a committee called the Bakshi Tek Chand Committee of which I also was one of the members. That committee submitted a report on the 22nd August, 1951, and in that report two recommendations were made. The first recommendation was that the interim compensation should be paid to all the claimants as their economic condition was worsening and they were getting on in a very bad way. The second recommendation was that apart from the evacuee property and the money spent by Government on houses and through loans, Government should also contribute a substantial amount from the Government's resources. This Committee also submitted its report. Then came this compensation scheme as announced on the 6th November, 1953.

Now, Sir, the total claims that have been verified according to the report

published by Government in their monthly review for July, 1953, are 5,35,454. They do include agricultural claims of non-Punjabi areas. This scheme which has been announced is divided into three parts. For the first part, it relates only to those who are called high priority category claimants. The number of such claimants out of 5,35,000, or, if you deduct the agricultural claims which is 4,55,000, is over 50,000. An impression has been created in the public mind that the compensation covers 95 per cent. of claimants. It is not so. Out of the total of 4,50,000 claimants, the present scheme covers only 50,000 claimants, and in these five categories, these claimants are to be divided.

The next category is to come after three or four months. That is what the scheme announces. It says that after the claimants are paid against these 50,000 claims, applications will be invited from the second category which will cover all those who are occupying Government-constructed or evacuee houses, and their number is 1,50,000. Then after that scheme is completed, that category will be paid compensation: compensation in what form?—Not in cash, not in any proprietary rights, but they will simply be allotted houses in which they are living. Then the claims of those who remain in the third category will be taken up. Their number may be three lakhs, or two lakhs and fifty-thousand.

Now, you will see, Sir, that this verification of claims was completed in July, 1952. We are now in December, 1953, and these 50,000 claimants will get their compensation within three or four months as already announced. After that, the claims of 1,50,000 claimants will be settled. That may take one year at least. Then, again, after that, 2½ lakhs or 3 lakhs claims will be settled. That may take two or three years more. So, Sir, if this process by which the scheme has to be implemented is to go on like this, I will say that the impression that was created in the beginning in the public mind that compensation is being paid to the displaced persons after six years and three months, was wrong, and the people are feeling frustrated and disgruntled, and there is a lot of discontent and resentment among the people.

Another thing which I want to bring to your notice is this: when our Minister broadcast the scheme, he announced, and the impression created not only in the minds of the displaced persons but even in the Press, was that from 1st November 1953—the date on which this scheme came into effect—every claimant still living in an evacuee house or in a Government-constructed house will be free from payment of rent. I am reading to you the headline of this news published either in "The Hindustan Times" or some other newspaper: "Shri Ajit Prasad Jain, Rehabilitation Minister, announced on Sunday, that under the interim compensation scheme, Government-built houses or evacuee houses would be allotted on a quasi-permanent basis and the allottees would hold these properties rent-free with effect from 1st November, 1953." But subsequently, Government announced "Nothing doing". These people will continue to pay rents till their claims are settled. Their applications will be invited after four months. It may take one or more years to settle their claims. I have got a claim of a lakh of rupees. I have got the assessment order or what they call a 'decree'. I am in a way a creditor, and if I am not able to pay Rs. 30 as rent of the house which I am occupying, my household goods will be attached and I will be ejected from that house even though, as I have said, I may be holding an assessment order from the Government that my claim has been assessed to the tune of Rs. 1 lakh or even Rs. 5 lakhs. May I ask: how will it give any consolation to the displaced persons? Then, you know, further, after these two categories are over, the claims of the remaining claimants numbering two and a half lakhs will be settled. Those people who took no benefit from the Government, those people who did not occupy any evacuee houses, or who did not get help of any form from the Government, those are the people who are to wait for three or four years more.

[Shri Gidwani]

It is wrong to assume that their financial position is good, that they are not in urgent need of relief. It is wrong to assume that most of them are very rich. Maybe 10 per cent., 15 per cent. or even 20 per cent. of them may be well off. But the condition of the majority of them is more pitiable in many respects, than some of those who are getting some benefit under this scheme. Therefore, we feel, that this scheme is very defective.

Shri M. S. Gurupadaswamy (Mysore): May I draw your attention, Sir, that there is no quorum.

Mr. Chairman: There is quorum now, the hon. member may proceed.

Shri Gidwani: My hon. friend Mr. Ajit Prasad Jain a few days back issued an appeal to us that we should forget the past, give up all bitterness and cooperate with the Government in implementing the scheme they have drawn up after so many years with a view to help the rehabilitation of the displaced persons. May I ask, Sir, if three or four years are going to be taken to give relief to a large number of displaced persons, then what will be the response of the people?

I am one of those who is supposed to be a strong critic of the Government in this respect. I have my reasons for being so. I do not, however, want to enter into that subject now. My first impression on the announcement of the scheme was that I should congratulate the Government for, after all, implementing the scheme. Subsequently I met a friend who had studied the scheme more carefully and his reaction was different. Even then I said, let us begin a new chapter. But when I read the statement that was issued by Government after three or four days and found that recoveries of rents and instalments of loans would be continued from the claimants, then I felt that this scheme was inadequate. I do not wish to use strong words but I should say that this scheme is not going to benefit a large number of people. The majority of the refugees will have to wait for a number of years. There is a proverb in Persian:

تا تریاق از عراق آورده شود -
مارگزیده مرده شود -

("Ta triyak as irak awrdhashavd
Mar guzida murda shawad)"

By the time the antidote comes from some foreign land the snake-bitten dies. That is going to be the fate of a large number of displaced persons, who are neither in the government houses, nor in the five priority categories.

Therefore, it is high time that our Minister made a definite announcement as to when he was going to complete the whole process, how he was going to give compensation to all these people. Besides that, there is another point, Sir. If he is going to rely on the settlement of this question with Pakistan let me tell him that we are living under a delusion,—Pakistan will never come to a settlement. I read in "The Statesman" this morning that our Government has written no fewer than eleven letters to Pakistan since August last. A number of these communications are personal appeals from our Prime Minister to Mr. Mohammed Ali, the Prime Minister of Pakistan. But no reply yet has been received. The only reply sometimes is: your matter is under active consideration. Therefore I say let us give up this delusion. Let us take courage in our hands. Let us pool evacuee property. Let us at least start giving houses which have been constructed by Government to people on a permanent basis, sell them, make them owners so that their credit may rise, and also give a substantial contribution from Government. Then alone you will be able to create enthusiasm then alone displaced persons will be in a mood to forget their past wrongs, whatever they may be.

Time is the essence of the whole matter, and I would appeal to my hon. friend, whatever may have been my views I am and all of us are prepared to work with him. An inspired message appeared a few days back in the

press that the All India Refugee Association had passed a resolution asking people not to pay rents or pay back loans. No such resolution has been passed. Because I am after all the President of the Association, and all the resolutions passed have been communicated to the hon. Minister. I do not deny that they wanted to pass such a resolution. But I said we are going to hold a convention and appeal to Government.

I do not want that people who have already suffered should suffer still further. It is not easy for people, particularly displaced persons, to undergo suffering. But if you continue the present policy or the present scheme as it stands, then I am afraid even I will not be able to control them. Even this morning the Rajendranagar Refugee Association and the Ajmer Purusharthi Sammelan have said that "we shall not be able to pay rents".

Therefore I appeal to you to stop recovery of rents and loan from all claimants who are in the first category, who are in the second category, or who are in the third category (those who have not been occupying government or evacuee houses) and make an early announcement of paying the first instalment to all, whether in cash or in kind or in bonds, as was solemnly promised by the late Shri Gopalaswami Ayyangar in 1949 and 1950. I hope Government will give serious consideration to my suggestion. Then our services are at your disposal.

Sardar Hukam Singh (Kapurthala-Bhatinda): Mr. Chairman, Sir, my friend has spoken with much fervour. As the time at my disposal will be very short I will only try to give the points within that time.

It has been said that the major portion of the claims has not been assessed at all. I want to repeat that all the movables have been left out. Besides, the rural immovable property has been left out. The rules provide that if any claimant had been allotted land less than four acres, then any claim in respect of his property which was of the value of less than Rs. 10,000 was not to be considered at all. That resulted in a very great hardship. Because, if a man, without knowing what his subsequent fate would be, got an allotment of one kanal of land, then even if his property was of Rs. 9,999 that was to be ignored altogether. He never wanted it. If the other man had some allotment of more than 4 acres, then.....

Mr. Chairman: I hope hon. Members will not leave the House and create an awkward position. It is a delicate matter.

Dr. Lanka Sundaram (Visakhapatnam): May I request you to kindly ring the quorum bell, Sir?

An Hon. Member: Quorum is there.

Sardar Hukam Singh: If the second claimant, who had been given more than 4 acres, had property of the value of less than Rs. 20,000, that was not to be counted at all. There is a large number of such people. Though the Government are very solicitous about poor people, all these poor tillers, landless labourers, small landholders, artisans, petty shop-keepers, have been left out so far as the verification of claims is concerned. In spite of all this, the landholders get 60 per cent. so far as the area is concerned, taken collectively. We expected that the Government will contribute a substantial amount to this evacuee pool. We had expected that at least 60 per cent. of their verified claims would be given. Now, when that moment has come, what we find is that the amount that is now being given is much less. Therefore, there is some despondency and frustration behind their feelings. Exactly as I said, in the case of that person who has got less than 4 acres, his claim for Rs. 9,999 could not be considered, and in the case of persons who had got more than 4 acres, their claims for Rs. 19,999 could not be considered. All that has been left out. Therefore, my request is this. In such cases where it relates to petty landholders, or peasants or petty shop-keepers or artisans, they should be given a chance either to accept one or the other. Their claims should be verified and it should be

[Sardar Hukam Singh]

left to them to choose. Whenever they have got one kanal or one acre, which is uneconomical and which they are not occupying at all, to compel them to remain there and be content and deprive them of all the claims that they had about property, is very hard. The scheme does not provide anything for these people. Certainly, there is no objection to placing any ceiling. I am not pleading for those people who have got big amounts. A ceiling may be placed. A graded cut is advisable because, otherwise, we cannot meet the wishes of all the people. But, the amount that was certainly promised should be contributed by the Government. What have they contributed so far?

Then, I come to the second point. The first point that I have submitted is that option should be given to such people so that they may have their claim verified, and the compensation that might come to their share be allotted to them. The next point is this. There are others who, due to lapse of time, could not get their claims verified. There is a good number of such people, widows, etc., who had no knowledge of all these things. Such persons should not be penalised, I have a few cases, though the number is not large, where persons have come after the expiry of time, from Pakistan. They are going about to find an avenue to get their claims registered, because the law says, the time has expired. Some provision should be made for such people who are late arrivals, and who on account of no fault of theirs, are not able to get any benefit from this and have their claims verified.

It is not fair and equitable to charge any rent from the people who carry their verified claims in their pocket. It has already been raised. We have said that so far as compensation is concerned, the highest amount would be Rs. 8,000. When a person has got a claim for a large amount, at least he expects, as has been announced by the Government, that he will have Rs. 8,000. Credit can be given to him for a few hundreds of rupees. At this time to enforce coercive measures to recover the rent or arrears of a few hundred rupees, does not look nice. That creates a very bad impression. There are loans that are being recovered, small petty loans. In the beginning they were given small loans as relief. They should be wiped out now and they should be considered as relief. At least up to Rs. 1,000 they should be considered as rehabilitation benefits. Even if it is not done, there should be no process taken at this time to recover that loan when he carries a verified claim in his pocket.

Five categories have been given and a priority has been fixed: infirm people etc. were getting allowances. In the first instance, these were given to persons who had property in Pakistan. They were receiving rents from their property; they had no source of income in India. So, those cases were considered for some allowance.

Now, if we take the case of a widow who is getting Rs. 30 a month, if she has a verified claim of Rs. 2,000 she would now get Rs. 1,200. In such cases it would be very hard because if that allowance is stopped, she might perhaps waste the compensation or fall into the hands of some evil relations; because she will be anxious to get something out of her claim that she might support herself. In these cases also, they should be given the option—the infirm, the widows etc.,—that they might continue to receive the allowance or get this compensation in a lump sum.

Then again, now that evacuee property has been valued, it is to be allotted. My friend Mr. Gidwani has stressed that the rights should be given permanently. We have been pressing for it for quite a long time, but there were others who did not agree, and they said unless Pakistan gave us a definite answer it would not be advisable to extinguish the rights. Quite right, but even without that we can give them quasi-permanent rights.

And there are proposals which we have been listening to that the property is going to be sold. That would not be fair, and that would cause another displacement of lakhs of refugees. Therefore, I put a proposal before the hon. Minister that persons in possession of properties worth Rs. 25,000 or less might be allowed to continue to be in possession and have their claims adjusted against them, and properties worth Rs. 25,000 to Rs. 50,000 might be sold by auction only to refugees who really are in need of some accommodation and should not be open to everybody to bid. So far as properties of more than Rs. 50,000 value are concerned, they might be auctioned and everybody might be there to give his bid. In that case there would be minimum amount of displacement and people would be satisfied. Otherwise, some other problems might arise because the law allows that if a refugee is going to be evicted, he must have some alternative accommodation, and therefore it would be difficult to provide him with some accommodation. In that case, Government will have another problem to face. So, these considerations also they might keep in mind. This quasi-permanency system can be adopted even without disturbing those that are already in possession. Because there is no time, I will now finish.

Shrimati Sucheta Kripalani: Mr. Chairman, Sir, I take this opportunity to congratulate the hon. Minister for Rehabilitation for bringing the interim compensation scheme into effect, which is a much-awaited scheme. For the last six years refugees have been anxiously waiting to see the shape of the scheme, and I am quite sure the Minister himself must have been very anxious to expedite matters, but things were perhaps beyond his power to expedite. We note with pleasure that even payments are being made.

In order to understand the scheme, in order to appreciate the scheme properly, we should analyse the implications of the scheme and the impact on rehabilitation that the scheme will have, because the hon. Minister has himself stated that bringing the compensation scheme into effect will mean the culmination or the real winding up of the rehabilitation work here.

6 P.M.

Now, this scheme will affect 50,000 refugees who have come from West Pakistan. It will not affect the refugees from East Pakistan. Let us understand the whole scheme and see what it is. First of all, I would like you to note that this is a compensation scheme. It is not a scheme for grants or "gifts" if you prefer that word. In order to understand the scheme and its importance, we should see what are the types of losses that the refugees have suffered. These losses can be divided into four categories. Firstly, there are the personal and household effects; they run into several crores, because personal and household effects includes lockers, safe deposits, safe custody in the banks etc. Secondly, we have merchandise and trade goods. These also go into crores, because as you know, very big firms like Kripa Rams and Lila Rams, who were firms well known in Pakistan have left buildings worth about Rs. 20,000 or Rs. 30,000 in Pakistan, but the goods that they had left in those buildings are worth several lakhs. No calculation has been made so far about the losses in this category. Thirdly, we have agricultural property, *i.e.* land, and fourthly, urban immovable property.

Now, let us see what has been done to assess the losses in these four categories. First, in regard to personal and household effects, conferences after conferences have been held, and even very recently there was some conference, but the conferences are postponed from time to time, and as yet, nothing has been finalised. We do not know whether our people will get anything at all for these movables which they had left in Pakistan, and which are worth several crores.

The second category, merchandise and trade goods do not come within the purview of the compensation scheme at all. Godowns, banks, shops etc. have also been left there, and

[Shrimati Sucheta Kripalani]

nobody has assessed their value, and we have not filed our claims against Pakistan for the loss of this kind of property. For this huge chunk of property has been left there, we have not even put our case before Pakistan. I really do not know how to describe it. There was talk of a Diwali gift for the refugees. I would like to know whether this is an *Id* gift to Pakistan.

Then we come to the third category, *viz.* agricultural property. But the Government tried to do something. For instance, in Punjab, they tried to put a scheme into effect, on the principle of land for land, and many Punjabi refugees have been allotted land in Punjab on a quasi-permanent basis. But what about the refugees from Sind, Baluchistan, Bahawalpur, and North West Frontier Province? So far, no scheme has been finalised for them, and the scheme is still in the examination stage. These refugees are anxious to know what will be their fate, and what they will receive. Even under this scheme for giving land for land, a further cut has been applied. The smallest cut that has been applied is for the smallest holdings, and is of the order of 25 per cent, but this cut goes up in gradation, up to 95 per cent. in the case of the higher holdings. Government have also a policy of standardisation of acres. It is of some help, no doubt, but the question of the quality of the land is entirely left out.

Shri A. P. Jain: No, no.

Shrimati Sucheta Kripalani: You have tried to make some adjustment. but it does not go far enough.

Shri A. P. Jain: Full adjustment.

Shrimati Sucheta Kripalani: As for the quality of land, there are people who have left in Lyallpur and Montgomery, land which was almost considered as good as gold. Besides people who had land there, had left also shops or little concerns in Pakistan. We are not taking into account any of these things.

We also know that our refugees had left a much greater quantity of land in Pakistan than the Muslim evacuees have left here. But we have not made any claim against Pakistan in respect of all this extra land. I consider this also as a second *Id* gift.

Then we come to urban immovable property, which forms the core of the compensation scheme. The Government have stated that in the evacuee pool, they have Rs. 500 crores worth of property. This assessment, according to us, non-officials, is perhaps a "depreciated" assessment. The hon. Minister will perhaps say that the prices have been "rationalised". Whatever it is, Rs. 500 crores worth of property is there. As against this, the Muslim evacuee property comes to a total of Rs. 90 crores. Because there is a big gap between the two, Government decided to put in some money in the pool. The Government have spent on loans and houses, an amount of Rs. 80 crores and this has been put in the pool. So, Rs. 90 crores *plus* Rs. 80 crores is all that we have in the evacuee pool to give as compensation to the refugees.

Shri Gidwani: The rest will go to the non-claimers.

Shrimati Sucheta Kripalani: There is an interesting method of calculation. We have been told that Government have spent about Rs. 200 crores on the relief of refugees so far. These Rs. 200 crores include relief in camps, feeding the refugees in the camps, education, training, houses, loans etc. For paying compensation 80 crores out of these 200 crores are being accounted.

So it would be proper to say that Rs. 120 crores have been spent on rehabilitation and Rs. 80 crores are there for compensation. I am not very clever at accounts, but if the Finance Minister had been here, I would have asked him what is the method of accounting here? Is it double entry system?

Then, let us understand further implications of this scheme. Now

there are 5000 or about 5000 verified claims. There may be many more who have not filed their claims and whose claims are not verified. But roughly, I think the number would come to between 4,000 and 5,000. Of these, the Rehabilitation Minister has agreed to give compensation to 50,000 people in the first instance.

Shri Gidwani: Five lakhs.

Shrimati Sucheta Kripalani: Those who come under the first priority are those who are on maintenance allowances and those who are in the homes. Now, I would like to draw your attention to the fact that the maintenance allowance given to them does not come out of any Government grant, but it comes from the income of the evacuee property. So again the maintenance allowance is something that we draw from the evacuee pool.

Let us take the question of Homes. The next category of people to whom we are giving compensation are the inmates of Homes, *i.e.* widows and unattached women. The Government budget today for this item of expenditure is Rs. 80 lakhs to Rs. 1 crore. The amount to be given ranges between Rs. 500 to Rs. 1,800 for each widow. The widows are a perpetual responsibility for the Government. The Government have again and again declared that they will always be responsible for them. Now, by giving this pitiable compensation to the widows the Government would get rid of their perpetual responsibility and thus lighten their burden.

The main part of the scheme would affect those who are living in the 18 or 20 refugee colonies. Let us see what is their position. As I have already pointed out, Sir, the claims were considered on a very limited, narrow, restricted basis. Further, after verification when they receive the compensation, they will receive only about 20 or 25 per cent. of their claims. That is, there is a further cut. Then again it is graded; the highest that can go to an individual is Rs. 2 lakhs.

Shri Gidwani: That is not said.

Shrimati Sucheta Kripalani: That is now proposed.

Further, I would like to draw your attention to the fact that the claims have been assessed by the Government and when they give them the compensation the property also would be assessed by the Government. Now, how would the property be assessed? There is a snag in the assessment. I would refer you to the case of Rajendranagar. These people have been coming to me again and again and placing their difficulties before me. In Rajendranagar, I suppose the land was acquired at the rate of perhaps Rs. 1-8 per yard—I am not quite sure; I suppose I am correct. Now the land has appreciated and it comes to Rs. 5 or so a yard. The houses were built at about Rs. 2,700 or Rs. 3,000 each. Now they are going to be valued at between Rs. 4,000 and Rs. 5,000. In addition, the refugees will have to pay for the development of the land, for the making of the streets and even for the public buildings. All these have been put on the valuation of the houses that will be given to them. So this is how the valuation of the property that the Government have today is increased. The valuation of the refugees' property would be reduced because that too will be done by the Government themselves.

Then there is another thing—I will just take a few minutes more. I am trying to hurry as fast as possible. How will this compensation work out for the refugees who are in the colonies? They will receive property, but they won't have the full title or ownership. I can understand that in the case of evacuee property, there is difficulty about extinguishing the title of the evacuees. For that negotiations have been going on. Negotiations were started at the time of Mr. K. C. Neogy. Then came Mr. Gopalaswami Ayyangar. He has vanished, he has left this world, but the negotiations are still going on. Then there was Mr. Mohanlal Saksena carrying on the negotiations. We do

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not see him here nowadays, he is relegated to the Back Benches. Now there is Mr. Ajit Prasad Jain carrying on the negotiations and I think even he has despaired of it and has passed on the baby to the Prime Minister. A few months back the Prime Minister with his Adviser, Mr. Mehr Chand Khanna, went and carried on negotiations. I am told they were looked after very well by the Pakistan Government. But nothing came out of the negotiations. We heard that there would be a conference in September; it was postponed to November. Eternally it is being postponed. I think it would be much more self-respecting to accept the position that all these negotiations are not going to yield anything.

Dr. Lanka Sundaram: May I interrupt the hon. lady Member? What about the assets and securities with the refugee banks?

Shrimati Sucheta Kripalani: I have already mentioned that. Anyway there is no time now. It would be better, I think, once for all to accept the position that the negotiations won't yield any result.

Mr. Gidwani told us that 11 letters—I do not know if that is the correct number—had been sent to Pakistan, by our Prime Minister but no letters came this side. Let us finish the negotiation. Let us extinguish the title. Let us have the property and distribute it among the refugees. Of course, I appreciate the difficulty about title with regard to evacuee property, because the title cannot be extinguished till they come to this decision. But even in the case of Government property, the houses that the Government have built and given to the refugees, there also they are not being given full ownership. The refugees have the pleasure of paying taxes, they have the pleasure of repairing the houses, but they cannot mortgage or sell the houses. That means their ownership is artificial or imaginary. They have no real ownership. They cannot raise funds over the houses. Therefore, it is nothing substantial that they are getting. Perhaps the hon. Minister will say that he does not want to introduce the principle of discrimination because those who get property out of the evacuee pool won't have full title and those who get from the Government property will have full title. I would say that the principle of discrimination is already in existence. Cash payments were made. They were not made in the shape of non-negotiable bonds; they were paid in full ownership to these people. Therefore, I think there would be no harm if the refugees are given full ownership over the Government property that they will receive.

In conclusion, I would like to say that though I have criticised the scheme, it is done in no spirit of criticism. It is done in a spirit of finding a solution to a problem that concerns us all. We have never treated the refugee problem as a party question. We all want to see that this issue, this problem of compensation, is settled in a manner which is satisfactory to the people concerned and which is good for the country. Therefore, I would make this suggestion to the hon. the Rehabilitation Minister that a Committee of the Parliament be appointed representative of all viewpoints and that Committee may be associated with this work of giving compensation almost very closely, almost day to day, so that from time to time we can advise the Govt. properly regarding the implementation and the implications of this scheme.

श्री अलगूराय शास्त्री (जिला आजमगढ़,—पूर्व व जिला बलिया—पश्चिम): श्रीमान् जी, मैं इस से पहले कि माननीय मंत्री जी साहब कुछ कहें, एक सुझाव उन को देना चाहता हूं कि ११ खतों का जवाब तो नहीं आया, अब

१२वां खत और चला जाय जिस में यह लिखा हो :

"मिटने वाला मिट गया, फिर सलाम आया तो क्या ?
दिल के मिट जाने के बाद, उन का पयाम आया तो क्या ?"

Shri Nand Lal Sharma (Sikar): Mr. Chairman, in view of the importance of the question, I propose that the discussion may be extended.

Mr. Chairman: I think it would not be proper for any hon. Member to say anything now. Let the hon. Minister have at least 15 minutes, to reply. That would be more useful from the point of view of the debate.

Shri Nand Lal Sharma: The discussion may be extended.

Mr. Chairman: It cannot be extended. The hon. Minister.

Shri A. P. Jain: Mr. Chairman, Sir, I welcome this opportunity of saying a few words about this interim compensation scheme. No one is more conscious than I that the time allotted for the discussion of this very important problem is too inadequate. I wish it were possible to allot more time so that a more comprehensive debate could take place.

In working out this scheme of compensation at all the stages, it has been my desire to have the cooperation of the displaced persons. The Bakshi Tek Chand Committee consisting purely of displaced persons was appointed for that purpose; and I am glad to record a vote of thanks for that Committee which has made a very valuable contribution.

Before I proceed further, I would like the House to understand the position in which the Minister stands with regard to the scheme for compensation. On the one side there are the assets; on the other there are the verified claims. Now, with regard to the assets, they are made up of two parts—(1) the evacuee property and (2) the contribution made by the Government in the form of houses built or other properties built and loans advanced to the displaced persons. These two constitute the total assets which are going to be distributed against the verified claims. Here I might correct certain figures which were given by my friend Mr. Choitram Gidwani. The total number of verified claims, including claims for agricultural land, is about 3,90,000. Out of these, 2 lakhs are claims for urban properties. A little less than 1,50,000 are claims for rural properties, housing and others, and a little more than 40,000 are claims for agricultural land, out of which 10,000 are purely for agricultural land and about 30,000 are for agricultural land and rural houses. Today, I stand in the position of a trustee. On the one hand I am being entrusted with a certain amount of assets and those assets are to be distributed between the displaced persons according to a certain proportion and that proportion is to be established by the amount of the verified claims. So far as verified claims are concerned, we have done our best, but if one were to ask me whether I can say that every individual claim has been verified with absolute correctness, I would plainly say "No". There have been mistakes here and there but by and large, looking from the social point of view, they establish a just and fair parity in between the refugees.

Shrimati Sucheta Kripalani referred to some claims which have remained unverified. I wish to inform the House that I have already taken steps to introduce a Bill during this session of Parliament, under which claims which had remained unverified or claims which were verified *ex parte* and about which requests have been received, in response to the notifications, for a re-examination, will be verified. Besides the pending revisions, revision petitions against some other claims will also be entertained. I also propose to introduce in that Bill a clause whereby certain very hard types of cases may be re-examined in which mistakes may have

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occurred, but I want to make it clear that any re-opening of claims on any large scale will mean further delay in and postponement of the scheme. Therefore, the Bill which I propose to introduce will be confined to well-defined categories who are deserving of relief so far as these verifications are concerned.

Several suggestions have been made with regard to rural houses, rents, and several other things. The question of the distribution of this property in between the various claimants is a question in between the refugees. If I am recovering any rent today, that goes to the pool and not to the Government coffers. If the decision not to verify the rural houses of certain classes of people was taken, it was done because there was a good justification for it. If I pay something more, than what is due to one displaced person, that comes from another displaced person's pocket. I will illustrate it further with the example of rural houses. Prior to the quasi-permanent settlement in the Punjab and PEPSU, there had been a settlement between India and Pakistan with regard to agricultural lands and all the rural houses situated in the West Punjab and lands and houses in the East Punjab and PEPSU. All the agricultural land in the West Punjab and all the rural houses of less than Rs. 20,000 in value were lumped together. All the agricultural land in East Punjab and PEPSU and all the rural houses excepting those of more than Rs. 20,000, were also lumped together. Against not only the agricultural land but also the rural houses left in the West Punjab, the agricultural land in East Punjab and PEPSU and the rural houses except of the value of more Rs. 20,000, have been distributed according to certain well-laid down principles. Now, what happens if we entertain claims for the rural houses over again? The man who has received compensation for rural houses once, will receive compensation over again. Again, if we look into the amount of the agricultural land and the rural houses on either side, we find that the proportion of those kinds of property in India is much larger than the proportion of the urban property as compared to the respective properties left on the other side. For instance, a person who has left ten acres of land on the other side has received 7½ acres of land on this side, and that is after taking into account not only the area but the quality of land—whether it was irrigated or not, whether it was in the proximity of a big city or otherwise, and all other advantages. All the lands on either side were reduced into standard acres, and to a holder of 10 acres on the other side, 7½ acres have been allotted. I am taking up a purely hypothetical figure, but let us assume for the purpose of this discussion that the value of an acre is Rs. 500. Then a person who has left ten acres of land will be entitled to a verified claim of Rs. 5,000 and as against this, he has received Rs. 3,750 already. What does an urban claimant of Rs. 5,000 receive, under the interim scheme? About Rs. 2,300 and I am doubtful whether even under the final scheme, his compensation will go up to Rs. 3,750. So, it is abundantly clear that the agriculturist, the rural man, has received a much larger compensation than the urban man is likely to receive. If you verify the claims for the rural houses over again, the compensation must come from the available assets and somebody will lose in order that this man may gain. Whether there is any justification for that is a question to consider. So far as I am concerned, I have spent considerable time and I have no doubt that there is no case for the verification of the rural houses of a value of less than Rs. 20,000 or Rs. 10,000. Even in assessing house of more than Rs. 10,000 in some cases, we made some concession.

A question has been raised with regard to the wholesale suspension of the recovery of rents. We have in the first category invited applications from about 50,000 persons. In respect of these persons, rents have been suspended from the 1st November, and instructions have been issued. In the

next category, I propose to take up every person who is living either in an evacuee house or in a Government-built house. I propose to fix another similar date after which rents of these classes will also be suspended. There may be a difference of a few months between the first suspension and the second suspension. It is not great. It is not the greed for money that impels me to fix two different dates. It is the administrative difficulty which stands in the way of suspending all rent-recoveries at once. How do we forego the rents? First, a person must hold a verified claim. Then he puts in an application for the payment of compensation. It is a big application in which he has to give a large number of detailed information. We have to find out whether he is living in an evacuee property or in a Government-built house, and then, in each particular case, we issue a chit saying, hereafter you would not have to pay. But if I make an announcement that no rents will be recovered from the inmates of the evacuee property or Government-built house, two other classes of persons to whom the benefit is not intended to extend come into the picture. There are non-claimants. As they are refugees, I am prepared to show them some concession. Then there are a large number of non-refugees. They are local persons. About one lakh of evacuee property is in their possession, and particularly the big properties are in the possession of the 'locals'. So, there are these difficulties. If hon. Members here can give me a practicable scheme whereby I can expedite rent relief to other residents of Government property and evacuee property, I am quite prepared to consider that.

One another important point was raised by Shrimati Sucheta Kripalani: that is about the values of government-built properties. She said that land in Rajendranagar was bought at a comparatively cheaper rate and the value of that property has now enhanced. That is a fact—an absolute fact. I tried to verify that. There were fifty, or sixty plots which were resumed. We called for tenders for them. In some cases the value went up by 200 per cent.; in other cases by 100 per cent. and in some cases by 50 per cent. This question again has to be looked upon from the point of view of the equities in between the displaced persons. If I value a house in, say, Kalkaji, at the same rate as I value a similar house in Rajendranagar, the displaced person who gets Rajendranagar house gets a far more valuable property, as compared to the man in Kalkaji. Now, what is my duty? Shall it be fair if I give more valuable property to one refugee because by accident he happened to be living in Rajendranagar and a less valuable property to another refugee because he happens to live in Kalkaji?

Shri Nand Lal Sharma: Is the hon. Minister going to compensate the residents of Kalkaji in that respect?

Shri A. P. Jain: Yes, certainly. Supposing a tenement of type A is valued at Rs. 5,000 in Kalkaji. It will be valued at say Rs. 8,000 in Rajendranagar. Both of them will have to be brought on a parity basis. As I said, my position is that of a trustee. I have to do justice between the displaced persons and I will not be discharging my duties honestly, if I favour one, or if I give undue advantage to one, as compared to the other.

There is not much time at my disposal. Shrimati Sucheta Kripalani suggested that I must associate a committee of this House with the implementation of the scheme. I am quite prepared to accept the suggestion. It may be a committee purely of Members of Parliament, or some outsiders may be associated with it. I am anxious that, so far as the implementation of the scheme is concerned, I must associate as much of the public and the refugee opinion as possible.

Shri Gidwani: What about the remaining who do not come in either category?

Shri A. P. Jain: The position is this. This interim compensation scheme has been conceived in such a

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manner that it would be easily merged in the final compensation scheme. Now, there are two possibilities. It is my desire to introduce the final compensation scheme at the earliest possible date, even before the final scheme is completed. Assuming that I do not succeed. First, we have invited applications of about 50,000 persons. The second category would be applications from persons who are living in government-built properties or evacuee houses. The rest of persons will come in the third batch. If, on the other hand, as I hope, the interim compensation scheme is merged in the final scheme, in that case no difficulty arises and we begin to implement the final scheme. Assume that all the 4 lakhs of applications come at once. We cannot decide all those applications in a week or month or in a year. That will have to be done gradually. On the other hand, if we invite a large number of applications at once the pressure upon the staff will be too heavy. It is not a question of recruiting a few clerks. It is a question of examining each case intelligently, fairly and honestly so that there may not be any injustice in between the displaced persons.

One word more. I got about 1,265 applications scrutinised. I find that there are quite a number of misdescriptions, quite a number of concealments which make our task very difficult. Out of 1,265 applications that were examined no less than 388 persons failed to disclose that they were living in government-built or in evacuee houses. From the addresses which they gave we could trace that they were living in such property. If things of that kind occur my difficulty is multiplied , manifold. I request everybody particularly the displaced persons that if they want, as they do, that the implementation of this scheme should be expedited, they should send full and complete applications disclosing all information and particulars.

The question of the implementation of this scheme with speed depends upon the co-operation that we get from the displaced persons. I am very glad to find from the tone and tenor of this debate that there is ample goodwill for this scheme. Maybe it is defective in one respect or the other. It is almost impossible to make a perfect scheme. But I do hope that with their co-operation we shall be able to do something for the displaced persons.

The House then adjourned till Half Past One of the Clock on Thursday, the 17th December, 1953.